

106TH CONGRESS
1ST SESSION

H. R. 3427

To authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. SMITH OF NEW JERSEY (for himself, Ms. MCKINNEY, Mr. GILMAN, and Mr. GEJDENSON) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for reform of the United Nations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Admiral James W.
3 Nance and Meg Donovan Foreign Relations Authorization
4 Act, Fiscal Years 2000 and 2001”.

5 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
6 **CONTENTS.**

7 (a) ACT.—This Act is organized into two divisions as
8 follows:

9 (1) DIVISION A.—Department of State Provi-
10 sions.

11 (2) DIVISION B.—Arms Control, Nonprolifera-
12 tion, and Security Assistance Provisions.

13 (b) TABLE OF CONTENTS.—The table of contents for
14 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of act into divisions; table of contents.
- Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE PROVISIONS

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

- Sec. 101. Administration of foreign affairs.
- Sec. 102. International commissions.
- Sec. 103. Migration and refugee assistance.
- Sec. 104. United States informational, educational, and cultural programs.
- Sec. 105. Grants to the Asia Foundation.
- Sec. 106. Contributions to international organizations.
- Sec. 107. Contributions for international peacekeeping activities.
- Sec. 108. Voluntary contributions to international organizations.

Subtitle B—United States International Broadcasting Activities

- Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 201. Office of Children's Issues.
- Sec. 202. Strengthening implementation of the Hague Convention on the Civil Aspects of International Child Abduction.
- Sec. 203. Report concerning attack in Cambodia.
- Sec. 204. International expositions.
- Sec. 205. Responsibility of the AID Inspector General for the Inter-American Foundation and the African Development Foundation.
- Sec. 206. Report on Cuban drug trafficking.
- Sec. 207. Revision of reporting requirement.
- Sec. 208. Foreign language proficiency.
- Sec. 209. Continuation of reporting requirements.
- Sec. 210. Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas.
- Sec. 211. Report on international extradition.

Subtitle B—Consular Authorities

- Sec. 231. Machine readable visas.
- Sec. 232. Fees relating to affidavits of support.
- Sec. 233. Passport fees.
- Sec. 234. Deaths and estates of United States citizens abroad.
- Sec. 235. Duties of consular officers regarding major disasters and incidents abroad affecting United States citizens.
- Sec. 236. Issuance of passports for children under age 14.
- Sec. 237. Processing of visa applications.
- Sec. 238. Feasibility study on further passport restrictions on individuals in arrears on child support.

Subtitle C—Refugees

- Sec. 251. United States policy regarding the involuntary return of refugees.
- Sec. 252. Human rights reports.
- Sec. 253. Guidelines for refugee processing posts.
- Sec. 254. Gender-related persecution task force.
- Sec. 255. Eligibility for refugee status.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

- Sec. 301. Legislative liaison offices of the Department of State.
- Sec. 302. State Department official for Northeastern Europe.
- Sec. 303. Science and Technology Adviser to the Secretary of State.
- Sec. 304. Application of certain laws to public diplomacy funds.
- Sec. 305. Reform of the diplomatic telecommunications service office.

Subtitle B—Personnel of the Department of State

- Sec. 321. Award of Foreign Service star.
- Sec. 322. United States citizens hired abroad.
- Sec. 323. Limitation on percentage of Senior Foreign Service eligible for performance pay.
- Sec. 324. Placement of Senior Foreign Service personnel.
- Sec. 325. Report on management training.
- Sec. 326. Workforce planning for Foreign Service personnel by Federal agencies.

- Sec. 327. Records of disciplinary actions.
- Sec. 328. Limitation on salary and benefits for members of the Foreign Service recommended for separation for cause.
- Sec. 329. Treatment of grievance records.
- Sec. 330. Deadlines for filing grievances.
- Sec. 331. Reports by the Foreign Service Grievance Board.
- Sec. 332. Extension of use of Foreign Service personnel system.
- Sec. 333. Border equalization pay adjustment.
- Sec. 334. Treatment of certain persons reemployed after service with international organizations.
- Sec. 335. Transfer allowance for families of deceased Foreign Service personnel.
- Sec. 336. Parental choice in education.
- Sec. 337. Medical emergency assistance.
- Sec. 338. Report concerning financial disadvantages for administrative and technical personnel.
- Sec. 339. State Department Inspector General and personnel investigations.
- Sec. 340. Study of compensation for survivors of terrorist attacks overseas.
- Sec. 341. Preservation of diversity in reorganization.

TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Subtitle A—Authorities and Activities

- Sec. 401. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
- Sec. 402. Conduct of certain educational and cultural exchange programs.
- Sec. 403. National security measures.
- Sec. 404. Sunset of United States Advisory Commission on Public Diplomacy.
- Sec. 405. Royal Ulster Constabulary training.

Subtitle B—Russian and Ukrainian Business Management Education

- Sec. 421. Purpose.
- Sec. 422. Definitions.
- Sec. 423. Authorization for training program and internships.
- Sec. 424. Applications for technical assistance.
- Sec. 425. Restrictions not applicable.
- Sec. 426. Authorization of appropriations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

- Sec. 501. Reauthorization of Radio Free Asia.
- Sec. 502. Nomination requirements for the Chairman of the Broadcasting Board of Governors.
- Sec. 503. Preservation of RFE/RL (Radio Free Europe/Radio Liberty).
- Sec. 504. Immunity from civil liability for Broadcasting Board of Governors.

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. United States diplomatic facility defined.
- Sec. 604. Authorizations of appropriations.

- Sec. 605. Obligations and expenditures.
- Sec. 606. Security requirements for United States diplomatic facilities.
- Sec. 607. Report on overseas presence.
- Sec. 608. Accountability review boards.
- Sec. 609. Increased anti-terrorism training in Africa.

TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—International Organizations Other than the United Nations

- Sec. 701. Conforming amendments to reflect redesignation of certain inter-parliamentary groups.
- Sec. 702. Authority of the International Boundary and Water Commission to assist State and local governments.
- Sec. 703. International Boundary and Water Commission.
- Sec. 704. Semiannual reports on United States support for membership or participation of Taiwan in international organizations.
- Sec. 705. Restriction relating to United States accession to the International Criminal Court.
- Sec. 706. Prohibition on extradition or transfer of United States citizens to the International Criminal Court.
- Sec. 707. Requirement for reports regarding foreign travel.
- Sec. 708. United States representation at the International Atomic Energy Agency.

Subtitle B—United Nations Activities

- Sec. 721. United Nations policy on Israel and the Palestinians.
- Sec. 722. Data on costs incurred in support of United Nations peacekeeping operations.
- Sec. 723. Reimbursement for goods and services provided by the United States to the United Nations.
- Sec. 724. Codification of required notice of proposed United Nations peace-keeping operations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

- Sec. 801. Denial of entry into United States of foreign nationals engaged in establishment or enforcement of forced abortion or sterilization policy.
- Sec. 802. Technical corrections.
- Sec. 803. Reports with respect to a referendum on Western Sahara.
- Sec. 804. Reporting requirements under PLO Commitments Compliance Act of 1989.
- Sec. 805. Report on terrorist activity in which United States citizens were killed and related matters.
- Sec. 806. Annual reporting on war crimes, crimes against humanity, and genocide.

Subtitle B—North Korea Threat Reduction

- Sec. 821. Short title.
- Sec. 822. Restrictions on nuclear cooperation with North Korea.
- Sec. 823. Definitions.

Subtitle C—People’s Republic of China

- Sec. 871. Findings.
- Sec. 872. Funding for additional personnel at diplomatic posts to report on political, economic, and human rights matters in the People’s Republic of China.
- Sec. 873. Prisoner information registry for the People’s Republic of China.

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

- Sec. 901. Short title.
- Sec. 902. Definitions.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

- Sec. 911. Authorization of appropriations.
- Sec. 912. Obligation and expenditure of funds.
- Sec. 913. Forgiveness of amounts owed by the United Nations to the United States.

CHAPTER 2—UNITED STATES SOVEREIGNTY

- Sec. 921. Certification requirements.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

- Sec. 931. Certification requirements.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

- Sec. 941. Certification requirements.

Subtitle C—Miscellaneous Provisions

- Sec. 951. Statutory construction on relation to existing laws.
- Sec. 952. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS

- Sec. 1001. Short title.

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

- Sec. 1101. Short title.
- Sec. 1102. Definitions.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

- Sec. 1111. Key Verification Assets Fund.
- Sec. 1112. Assistant Secretary of State for Verification and Compliance.
- Sec. 1113. Enhanced annual (“Pell”) report.
- Sec. 1114. Report on START and START II Treaties monitoring issues.
- Sec. 1115. Standards for verification.
- Sec. 1116. Contribution to the advancement of seismology.
- Sec. 1117. Protection of United States companies.
- Sec. 1118. Requirement for transmittal of summaries.

CHAPTER 2—MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

- Sec. 1121. Short title.
- Sec. 1122. Definitions.
- Sec. 1123. Findings.
- Sec. 1124. Trial investigations and trial visits.

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

- Sec. 1131. Congressional notification of nonproliferation activities.
- Sec. 1132. Effective use of resources for nonproliferation programs.
- Sec. 1133. Disposition of weapons-grade material.
- Sec. 1134. Provision of certain information to Congress.
- Sec. 1135. Amended nuclear export reporting requirement.
- Sec. 1136. Adherence to the Missile Technology Control Regime.
- Sec. 1137. Authority relating to MTCR adherents.
- Sec. 1138. Transfer of funding for science and technology centers in the former Soviet Union.
- Sec. 1139. Research and exchange activities by science and technology centers.

TITLE XII—SECURITY ASSISTANCE

- Sec. 1201. Short title.

Subtitle A—Transfers of Excess Defense Articles

- Sec. 1211. Excess defense articles for Central and Southern European countries.
- Sec. 1212. Excess defense articles for certain other countries.
- Sec. 1213. Increase in annual limitation on transfer of excess defense articles.

Subtitle B—Foreign Military Sales Authorities

- Sec. 1221. Termination of foreign military training.
- Sec. 1222. Sales of excess Coast Guard property.
- Sec. 1223. Competitive pricing for sales of defense articles.
- Sec. 1224. Notification of upgrades to direct commercial sales.
- Sec. 1225. Unauthorized use of defense articles.

Subtitle C—Stockpiling of Defense Articles for Foreign Countries

- Sec. 1231. Additions to United States war reserve stockpiles for allies.
- Sec. 1232. Transfer of certain obsolete or surplus defense articles in the war reserves stockpile for allies.

Subtitle D—Defense Offsets Disclosure

- Sec. 1241. Short title.

- Sec. 1242. Findings and declaration of policy.
- Sec. 1243. Definitions.
- Sec. 1244. Sense of Congress.
- Sec. 1245. Reporting of offset agreements.
- Sec. 1246. Expanded prohibition on incentive payments.
- Sec. 1247. Establishment of review commission.
- Sec. 1248. Multilateral strategy to address offsets.

Subtitle E—Automated Export System Relating to Export Information

- Sec. 1251. Short title.
- Sec. 1252. Mandatory use of the Automated Export System for filing certain Shippers' Export Declarations.
- Sec. 1253. Voluntary use of the Automated Export System.
- Sec. 1254. Report to appropriate committees of Congress.
- Sec. 1255. Acceleration of Department of State licensing procedures.
- Sec. 1256. Definitions.

Subtitle F—International Arms Sales Code of Conduct Act of 1999

- Sec. 1261. Short title.
- Sec. 1262. International arms sales code of conduct.

Subtitle G—Transfer of Naval Vessels to Certain Foreign Countries

- Sec. 1271. Authority to transfer naval vessels.

TITLE XIII—MISCELLANEOUS PROVISIONS

- Sec. 1301. Publication of arms sales certifications.
- Sec. 1302. Notification requirements for commercial export of items on United States Munitions List.
- Sec. 1303. Enforcement of Arms Export Control Act.
- Sec. 1304. Violations relating to material support to terrorists.
- Sec. 1305. Authority to consent to third party transfer of ex-U.S.S. Bowman County to USS 1st Ship Memorial, Inc.
- Sec. 1306. Annual military assistance report.
- Sec. 1307. Annual foreign military training report.
- Sec. 1308. Security assistance for the Philippines.
- Sec. 1309. Effective regulation of satellite export activities.
- Sec. 1310. Study on licensing process under the Arms Export Control Act.
- Sec. 1311. Report concerning proliferation of small arms.
- Sec. 1312. Conforming amendment.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-

4 TEES.—Except as otherwise provided in section

5 902(1), the term “appropriate congressional commit-

6 tees” means the Committee on International Rela-

tions of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) SECRETARY.—The term “Secretary” means the Secretary of State.

DIVISION A—DEPARTMENT OF STATE PROVISIONS

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Diplomatic and Consular Programs” of the Department of State, \$2,837,772,000 for the fiscal year 2000 and \$3,263,438,000 for the fiscal year 2001.

(B) LIMITATIONS.—

1 (i) WORLDWIDE SECURITY UP-
2 GRADES.—Of the amounts authorized to be
3 appropriated by subparagraph (A),
4 \$254,000,000 for the fiscal year 2000 and
5 \$315,000,000 for the fiscal year 2001 is
6 authorized to be appropriated only for
7 worldwide security upgrades.

8 (ii) BUREAU OF DEMOCRACY, HUMAN
9 RIGHTS, AND LABOR.—Of the amounts au-
10 thorized to be appropriated by subpara-
11 graph (A), \$12,000,000 for the fiscal year
12 2000 and \$12,000,000 for the fiscal year
13 2001 is authorized to be appropriated only
14 for salaries and expenses of the Bureau of
15 Democracy, Human Rights, and Labor.

16 (iii) RECRUITMENT OF MINORITY
17 GROUPS.—Of the amounts authorized to be
18 appropriated by subparagraph (A),
19 \$2,000,000 for fiscal year 2000 and
20 \$2,000,000 for fiscal year 2001 is author-
21 ized to be appropriated only for the re-
22 cruitment of members of minority groups
23 for careers in the Foreign Service and
24 international affairs.

1 (2) CAPITAL INVESTMENT FUND.—For “Cap-
2 ital Investment Fund” of the Department of State,
3 \$90,000,000 for the fiscal year 2000 and
4 \$150,000,000 for the fiscal year 2001.

5 (3) EMBASSY SECURITY, CONSTRUCTION AND
6 MAINTENANCE.—For “Embassy Security, Construc-
7 tion and Maintenance”, \$434,066,000 for the fiscal
8 year 2000 and \$445,000,000 for the fiscal year
9 2001.

10 (4) REPRESENTATION ALLOWANCES.—For
11 “Representation Allowances”, \$5,850,000 for the
12 fiscal year 2000 and \$5,850,000 for the fiscal year
13 2001.

14 (5) EMERGENCIES IN THE DIPLOMATIC AND
15 CONSULAR SERVICE.—For “Emergencies in the Dip-
16 lomatic and Consular Service”, \$17,000,000 for the
17 fiscal year 2000 and \$17,000,000 for the fiscal year
18 2001.

19 (6) OFFICE OF THE INSPECTOR GENERAL.—
20 For “Office of the Inspector General”, \$30,054,000
21 for the fiscal year 2000 and \$30,054,000 for the fis-
22 cal year 2001.

23 (7) PAYMENT TO THE AMERICAN INSTITUTE IN
24 TAIWAN.—For “Payment to the American Institute

1 in Taiwan”, \$15,760,000 for the fiscal year 2000
2 and \$15,918,000 for the fiscal year 2001.

3 (8) PROTECTION OF FOREIGN MISSIONS AND
4 OFFICIALS.—

5 (A) AMOUNTS AUTHORIZED TO BE APPRO-
6 PRIATED.—For “Protection of Foreign Missions
7 and Officials”, \$9,490,000 for the fiscal year
8 2000 and \$9,490,000 for the fiscal year 2001.

9 (B) AVAILABILITY OF FUNDS.—Each
10 amount appropriated pursuant to this para-
11 graph is authorized to remain available through
12 September 30 of the fiscal year following the
13 fiscal year for which the amount was appro-
14 priated.

15 (9) REPATRIATION LOANS.—For “Repatriation
16 Loans”, \$1,200,000 for the fiscal year 2000 and
17 \$1,200,000 for the fiscal year 2001, for administra-
18 tive expenses.

19 **SEC. 102. INTERNATIONAL COMMISSIONS.**

20 The following amounts are authorized to be appro-
21 priated under “International Commissions” for the De-
22 partment of State to carry out the authorities, functions,
23 duties, and responsibilities in the conduct of the foreign
24 affairs of the United States and for other purposes author-
25 ized by law:

1 (1) INTERNATIONAL BOUNDARY AND WATER
2 COMMISSION, UNITED STATES AND MEXICO.—For
3 “International Boundary and Water Commission,
4 United States and Mexico”—

5 (A) for “Salaries and Expenses”,
6 \$20,413,000 for the fiscal year 2000 and
7 \$20,413,000 for the fiscal year 2001; and

8 (B) for “Construction”, \$8,435,000 for the
9 fiscal year 2000 and \$8,435,000 for the fiscal
10 year 2001.

11 (2) INTERNATIONAL BOUNDARY COMMISSION,
12 UNITED STATES AND CANADA.—For “International
13 Boundary Commission, United States and Canada”,
14 \$859,000 for the fiscal year 2000 and \$859,000 for
15 the fiscal year 2001.

16 (3) INTERNATIONAL JOINT COMMISSION.—For
17 “International Joint Commission”, \$3,819,000 for
18 the fiscal year 2000 and \$3,819,000 for the fiscal
19 year 2001.

20 (4) INTERNATIONAL FISHERIES COMMIS-
21 SIONS.—For “International Fisheries Commissions”,
22 \$16,702,000 for the fiscal year 2000 and
23 \$16,702,000 for the fiscal year 2001.

24 **SEC. 103. MIGRATION AND REFUGEE ASSISTANCE.**

25 (a) MIGRATION AND REFUGEE ASSISTANCE.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated for “Migra-
3 tion and Refugee Assistance” for authorized activi-
4 ties, \$750,000,000 for the fiscal year 2000 and
5 \$750,000,000 for the fiscal year 2001.

6 (2) LIMITATIONS.—

7 (A) TIBETAN REFUGEES IN INDIA AND
8 NEPAL.—Of the amounts authorized to be ap-
9 propriated in paragraph (1), \$2,000,000 for the
10 fiscal year 2000 and \$2,000,000 for the fiscal
11 year 2001 is authorized to be available for hu-
12 manitarian assistance, including food, medicine,
13 clothing, and medical and vocational training,
14 to Tibetan refugees in India and Nepal who
15 have fled Chinese-occupied Tibet.

16 (B) REFUGEES RESETTLING IN ISRAEL.—
17 Of the amounts authorized to be appropriated
18 in paragraph (1), \$60,000,000 for the fiscal
19 year 2000 and \$60,000,000 for the fiscal year
20 2001 is authorized to be available only for as-
21 sistance for refugees resettling in Israel from
22 other countries.

23 (C) HUMANITARIAN ASSISTANCE FOR DIS-
24 PLACED BURMESE.—Of the amounts authorized
25 to be appropriated in paragraph (1),

1 \$2,000,000 for the fiscal year 2000 and
2 \$2,000,000 for the fiscal year 2001 are author-
3 ized to be available for humanitarian assistance
4 (including food, medicine, clothing, and medical
5 and vocational training) to persons displaced as
6 a result of civil conflict in Burma, including
7 persons still within Burma.

8 (D) ASSISTANCE FOR DISPLACED SIERRA
9 LEONEANS.—Of the amounts authorized to be
10 appropriated in paragraph (1), \$2,000,000 for
11 the fiscal year 2000 and \$2,000,000 for the fis-
12 cal year 2001 are authorized to be available for
13 humanitarian assistance (including food, medi-
14 cine, clothing, and medical and vocational train-
15 ing) and resettlement of persons who have been
16 severely mutilated as a result of civil conflict in
17 Sierra Leone, including persons still within Si-
18 erra Leone.

19 (E) INTERNATIONAL RAPE COUNSELING PRO-
20 GRAM.—Of the amounts authorized to be appro-
21 priated in paragraph (1), \$1,000,000 for the fiscal
22 year 2000 and \$1,000,000 for the fiscal year 2001
23 are authorized to be appropriated for a program of
24 counseling for female victims of rape and gender vio-
25 lence in times of conflict and war.

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated
2 pursuant to this section are authorized to remain available
3 until expended.

4 **SEC. 104. UNITED STATES INFORMATIONAL, EDUCATIONAL,**
5 **AND CULTURAL PROGRAMS.**

6 (a) IN GENERAL.—The following amounts are au-
7 thorized to be appropriated for the Department of State
8 to carry out international information activities and edu-
9 cational and cultural exchange programs under the United
10 States Information and Educational Exchange Act of
11 1948, the Mutual Educational and Cultural Exchange Act
12 of 1961, Reorganization Plan Number 2 of 1977, the
13 Dante B. Fascell North-South Center Act of 1991, and
14 the National Endowment for Democracy Act, other such
15 programs including the Claude and Mildred Pepper Schol-
16 arship Program of the Washington Workshops Founda-
17 tion and the Mike Mansfield Fellowship Program, and to
18 carry out other authorities in law consistent with such
19 purposes:

20 (1) EDUCATIONAL AND CULTURAL EXCHANGE
21 PROGRAMS.—

22 (A) FULBRIGHT ACADEMIC EXCHANGE
23 PROGRAMS.—For the “Fulbright Academic Ex-
24 change Programs” (other than programs de-
25 scribed in subparagraph (B)), \$112,000,000 for

the fiscal year 2000 and \$120,000,000 for the fiscal year 2001.

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, including the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and Mike Mansfield Fellowship Program, \$98,329,000 for the fiscal year 2000 and \$105,000,000 for the fiscal year 2001.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2000 and \$750,000 for the fiscal year 2001 is authorized to be available for “South Pacific Exchanges”.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2000 and \$500,000 for the fiscal year 2001 is authorized to be available for “East Timorese Scholarships”.

1 (iv) TIBETAN EXCHANGES.—Of the
2 amounts authorized to be appropriated
3 under clause (i), \$500,000 for the fiscal
4 year 2000 and \$500,000 for the fiscal year
5 2001 is authorized to be available for
6 “Ngawang Choephel Exchange Programs”
7 (formerly known as educational and cul-
8 tural exchanges with Tibet) under section
9 103(a) of the Human Rights, Refugee, and
10 Other Foreign Relations Provisions Act of
11 1996 (Public Law 104–319).

12 (v) AFRICAN EXCHANGES.—Of the
13 amounts authorized to be appropriated
14 under clause (i), \$500,000 for the fiscal
15 year 2000 and \$500,000 for the fiscal year
16 2001 is authorized to be available only for
17 “Educational and Cultural Exchanges with
18 Sub-Saharan Africa”.

19 (vi) ISRAEL-ARAB PEACE PARTNERS
20 PROGRAM.—Of the amounts authorized to
21 be appropriated under clause (i), \$750,000
22 for the fiscal year 2000 and \$750,000 for
23 the fiscal year 2001 is authorized to be
24 available only for people-to-people activities
25 (with a focus on young people) to support

1 the Middle East peace process involving
2 participants from Israel, the Palestinian
3 Authority, Arab countries, and the United
4 States, to be known as the “Israel-Arab
5 Peace Partners Program”. Not later than
6 90 days after the date of the enactment of
7 this Act, the Secretary of State shall sub-
8 mit a plan to the appropriate congressional
9 committees for implementation of such
10 program. The Secretary shall not imple-
11 ment the plan until 45 days after its sub-
12 mission to the appropriate congressional
13 committees.

14 (2) NATIONAL ENDOWMENT FOR DEMOC-
15 RACY.—

16 (A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—For the “National Endowment for De-
18 mocracy”, \$32,000,000 for the fiscal year 2000
19 and \$32,000,000 for the fiscal year 2001.

20 (B) REAGAN-FASCELL DEMOCRACY FEL-
21 LOWS.—Of the amount authorized to be appro-
22 priated by subparagraph (A), \$1,000,000 for
23 fiscal year 2000 and \$1,000,000 for the fiscal
24 year 2001 is authorized to be appropriated only
25 for a fellowship program, to be known as the

1 “Reagan-Fascell Democracy Fellows”, for de-
2 mocracy activists and scholars from around the
3 world at the International Forum for Demo-
4 cratic Studies in Washington, D.C., to study,
5 write, and exchange views with other activists
6 and scholars and with Americans.

7 (3) DANTE B. FASCELL NORTH-SOUTH CEN-
8 TER.—For “Dante B. Fascell North-South Center”
9 \$2,500,000 for the fiscal year 2000 and \$2,500,000
10 for the fiscal year 2001.

11 (4) CENTER FOR CULTURAL AND TECHNICAL
12 INTERCHANGE BETWEEN EAST AND WEST.—For the
13 “Center for Cultural and Technical Interchange be-
14 tween East and West”, \$12,500,000 for the fiscal
15 year 2000 and \$12,500,000 for the fiscal year 2001.

16 (b) MUSKIE FELLOWSHIPS.—

17 (1) EXCHANGES WITH RUSSIA.—Of the
18 amounts authorized to be appropriated by this or
19 any other Act for the fiscal years 2000 and 2001 for
20 exchange programs with the Russian Federation,
21 \$5,000,000 for fiscal year 2000 and \$5,000,000 for
22 fiscal year 2001 shall be available only to carry out
23 the Edmund S. Muskie Program under section 227
24 of the Foreign Relations Authorization Act, Fiscal

1 Years 1992 and 1993 (Public Law 102–138; 22
2 U.S.C. 2452 note).

3 (2) DOCTORAL GRADUATE STUDIES FOR NA-
4 TIONALS OF THE INDEPENDENT STATES OF THE
5 FORMER SOVIET UNION.—Of the amounts author-
6 ized to be appropriated by this or any other Act for
7 the fiscal years 2000 and 2001 for exchange pro-
8 grams, \$1,500,000 for fiscal year 2000 and
9 \$1,500,000 for fiscal year 2001 shall be available
10 only to provide scholarships for doctoral graduate
11 study in economics to nationals of the independent
12 states of the former Soviet Union under the Ed-
13 mund S. Muskie Fellowship Program authorized by
14 section 227 of the Foreign Relations Authorization
15 Act, Fiscal Years 1992 and 1993 (Public Law 102–
16 138; 22 U.S.C. 2452 note).

17 (c) VIETNAM FULBRIGHT ACADEMIC EXCHANGE
18 PROGRAM.—Of the amounts authorized to be appro-
19 priated by subsection (a)(1)(A), \$4,000,000 for the fiscal
20 year 2000 and \$4,000,000 for the fiscal year 2001 shall
21 be available only to carry out the Vietnam scholarship pro-
22 gram established by section 229 of the Foreign Relations
23 Authorization Act, Fiscal Years 1992 and 1993 (Public
24 Law 102–138; 22 U.S.C. 2452 note).

1 **SEC. 105. GRANTS TO THE ASIA FOUNDATION.**

2 Section 404 of The Asia Foundation Act (title IV of
3 Public Law 98–164; 22 U.S.C. 4403) is amended to read
4 as follows:

5 “SEC. 404. There are authorized to be appropriated
6 to the Secretary of State \$15,000,000 for each of the fis-
7 cal years 2000 and 2001 for grants to The Asia Founda-
8 tion pursuant to this title.”.

9 **SEC. 106. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
10 **TIONS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated under the heading “Contributions to
14 International Organizations” \$940,000,000 for the
15 fiscal year 2000 and such sums as may be necessary
16 for the fiscal year 2001 for the Department of State
17 to carry out the authorities, functions, duties, and
18 responsibilities in the conduct of the foreign affairs
19 of the United States with respect to international or-
20 ganizations and to carry out other authorities in law
21 consistent with such purposes.

22 (2) AVAILABILITY OF FUNDS FOR CIVIL BUDG-
23 ET OF NATO.—Of the amounts authorized in para-
24 graph (1), \$48,977,000 are authorized in fiscal year
25 2000 and such sums as may be necessary in fiscal
26 year 2001 for the United States assessment for the

1 civil budget of the North Atlantic Treaty Organiza-
2 tion.

3 (b) NO GROWTH BUDGET.—Of the funds made avail-
4 able under subsection (a), \$80,000,000 may be made
5 available during each calendar year only after the Sec-
6 retary of State certifies that the United Nations has taken
7 no action during the preceding calendar year to increase
8 funding for any United Nations program without identi-
9 fying an offsetting decrease during that calendar year else-
10 where in the United Nations budget of \$2,533,000,000,
11 and cause the United Nations to exceed the initial 1998–
12 99 United Nations biennium budget adopted in December
13 1997.

14 (c) INSPECTOR GENERAL OF THE UNITED NA-
15 TIONS.—

16 (1) WITHHOLDING OF FUNDS.—Twenty percent
17 of the funds made available in each fiscal year under
18 subsection (a) for the assessed contribution of the
19 United States to the United Nations shall be with-
20 held from obligation and expenditure until a certifi-
21 cation is made under paragraph (2).

22 (2) CERTIFICATION.—A certification under this
23 paragraph is a certification by the Secretary of State
24 in the fiscal year concerned that the following condi-
25 tions are satisfied:

1 (A) ACTION BY THE UNITED NATIONS.—

2 The United Nations—

3 (i) has met the requirements of para-
4 graphs (1) through (6) of section 401(b) of
5 the Foreign Relations Authorization Act,
6 Fiscal Years 1994 and 1995 (22 U.S.C.
7 287e note), as amended by paragraph (3);

8 (ii) has established procedures that
9 require the Under Secretary General of the
10 Office of Internal Oversight Services to re-
11 port directly to the Secretary General on
12 the adequacy of the Office's resources to
13 enable the Office to fulfill its mandate; and

14 (iii) has made available an adequate
15 amount of funds to the Office for carrying
16 out its functions.

17 (B) AUTHORITY BY OIOS.—The Office of
18 Internal Oversight Services has authority to
19 audit, inspect, or investigate each program,
20 project, or activity funded by the United Na-
21 tions, and each executive board created under
22 the United Nations has been notified of that
23 authority.

24 (3) AMENDMENT OF THE FOREIGN RELATIONS
25 AUTHORIZATION ACT, FISCAL YEARS 1994 AND

1 1995.—Section 401(b) of the Foreign Relations Au-
2 thorization Act, Fiscal Years 1994 and 1995 is
3 amended—

4 (A) by amending paragraph (6) to read as
5 follows:

6 “(6) the United Nations has procedures in
7 place to ensure that all reports submitted by the Of-
8 fice of Internal Oversight Services are made avail-
9 able to the member states of the United Nations
10 without modification except to the extent necessary
11 to protect the privacy rights of individuals.”; and

12 (B) by striking “Inspector General” each
13 place it appears and inserting “Office of Inter-
14 nal Oversight Services”.

15 (d) PROHIBITION ON CERTAIN GLOBAL CON-
16 FERENCES.—None of the funds made available under sub-
17 section (a) shall be available for any United States con-
18 tribution to pay for any expense related to the holding of
19 any United Nations global conference, except for any con-
20 ference scheduled prior to October 1, 1998.

21 (e) PROHIBITION ON FUNDING OTHER FRAMEWORK
22 TREATY-BASED ORGANIZATIONS.—None of the funds
23 made available for the 1998–1999 biennium budget under
24 subsection (a) for United States contributions to the reg-
25 ular budget of the United Nations shall be available for

1 the United States proportionate share of any other frame-
2 work treaty-based organization, including the Framework
3 Convention on Global Climate Change, the International
4 Seabed Authority, the Desertification Convention, and the
5 International Criminal Court.

6 (f) FOREIGN CURRENCY EXCHANGE RATES.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—In
8 addition to amounts authorized to be appropriated
9 by subsection (a), there are authorized to be appro-
10 priated such sums as may be necessary for each of
11 fiscal years 2000 and 2001 to offset adverse fluctua-
12 tions in foreign currency exchange rates.

13 (2) AVAILABILITY OF FUNDS.—Amounts appro-
14 priated under this subsection shall be available for
15 obligation and expenditure only to the extent that
16 the Director of the Office of Management and Budg-
17 et determines and certifies to Congress that such
18 amounts are necessary due to such fluctuations.

19 (g) REFUND OF EXCESS CONTRIBUTIONS.—The
20 United States shall continue to insist that the United Na-
21 tions and its specialized and affiliated agencies shall credit
22 or refund to each member of the agency concerned its pro-
23 portionate share of the amount by which the total con-
24 tributions to the agency exceed the expenditures of the
25 regular assessed budgets of these agencies.

1 **SEC. 107. CONTRIBUTIONS FOR INTERNATIONAL PEACE-**
2 **KEEPING ACTIVITIES.**

3 There are authorized to be appropriated under the
4 heading “Contributions for International Peacekeeping
5 Activities” \$500,000,000 for the fiscal year 2000 and such
6 sums as may be necessary for the fiscal year 2001 for
7 the Department of State to carry out the authorities, func-
8 tions, duties, and responsibilities in the conduct of the for-
9 eign affairs of the United States with respect to inter-
10 national peacekeeping activities and to carry out other au-
11 thorities in law consistent with such purposes.

12 **SEC. 108. VOLUNTARY CONTRIBUTIONS TO INTER-**
13 **NATIONAL ORGANIZATIONS.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated for “Voluntary Con-
16 tributions to International Organizations”, \$293,000,000
17 for the fiscal year 2000 and such sums as may be nec-
18 essary for the fiscal year 2001.

19 (b) LIMITATIONS ON AUTHORIZATIONS OF APPRO-
20 PRIATIONS.—

21 (1) WORLD FOOD PROGRAM.—Of the amounts
22 authorized to be appropriated under subsection (a),
23 \$5,000,000 for the fiscal year 2000 and \$5,000,000
24 for the fiscal year 2001 is authorized to be appro-
25 priated only for a United States contribution to the
26 World Food Program.

1 (2) UNITED NATIONS VOLUNTARY FUND FOR
2 VICTIMS OF TORTURE.—Of the amounts authorized
3 to be appropriated under subsection (a), \$5,000,000
4 for the fiscal year 2000 and \$5,000,000 for the fis-
5 cal year 2001 is authorized to be appropriated only
6 for a United States contribution to the United Na-
7 tions Voluntary Fund for Victims of Torture.

8 (3) ORGANIZATION OF AMERICAN STATES.—Of
9 the amounts authorized to be appropriated under
10 subsection (a), \$240,000 for the fiscal year 2000
11 and \$240,000 for the fiscal year 2001 is authorized
12 to be appropriated only for a United States con-
13 tribution to the Organization of American States for
14 the Office of the Special Rapporteur for Freedom of
15 Expression in the Western Hemisphere to conduct
16 investigations, including field visits, to establish a
17 network of nongovernmental organizations, and to
18 hold hemispheric conferences, of which \$6,000 for
19 each fiscal year is authorized to be appropriated only
20 for the investigation and dissemination of informa-
21 tion on violations of freedom of expression by the
22 Government of Cuba, \$6,000 for each fiscal year is
23 authorized to be appropriated only for the investiga-
24 tion and dissemination of information on violations
25 of freedom of expression by the Government of Peru,

1 and \$6,000 for each fiscal year is authorized to be
2 appropriated only for the investigation and dissemi-
3 nation of information on violations of freedom of ex-
4 pression by the Government of Colombia.

5 (4) UNICEF.—Of the amounts authorized to
6 be appropriated under subsection (a), \$110,000,000
7 for the fiscal year 2000 is authorized to be appro-
8 priated only for a United States contribution to
9 UNICEF.

10 (c) RESTRICTIONS ON UNITED STATES VOLUNTARY
11 CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT
12 PROGRAM.—

13 (1) LIMITATION.—Of the amounts made avail-
14 able under subsection (a) for each of the fiscal years
15 2000 and 2001 for United States voluntary con-
16 tributions to the United Nations Development Pro-
17 gram an amount equal to the amount the United
18 Nations Development Program will spend in Burma
19 during each fiscal year shall be withheld unless dur-
20 ing such fiscal year the Secretary of State submits
21 to the appropriate congressional committees the cer-
22 tification described in paragraph (2).

23 (2) CERTIFICATION.—The certification referred
24 to in paragraph (1) is a certification by the Sec-
25 retary of State that all programs and activities of

1 the United Nations Development Program (including
2 United Nations Development Program—Adminis-
3 tered Funds) in Burma—

4 (A) are focused on eliminating human suf-
5 fering and addressing the needs of the poor;

6 (B) are undertaken only through inter-
7 national or private voluntary organizations that
8 have been deemed independent of the State
9 Peace and Development Council (SPDC) (for-
10 merly known as the State Law and Order Res-
11 toration Council (SLORC)), after consultation
12 with the leadership of the National League for
13 Democracy and the leadership of the National
14 Coalition Government of the Union of Burma;

15 (C) provide no financial, political, or mili-
16 tary benefit to the SPDC; and

17 (D) are carried out only after consultation
18 with the leadership of the National League for
19 Democracy and the leadership of the National
20 Coalition Government of the Union of Burma.

21 (d) CONTRIBUTIONS TO THE UNITED NATIONS
22 FUND FOR POPULATION ACTIVITIES.—

23 (1) LIMITATIONS ON AMOUNT OF CONTRIBU-
24 TION.—Of the amounts made available under sub-
25 section (a), not more than \$25,000,000 for fiscal

1 year 2000 and \$25,000,000 for fiscal year 2001
2 shall be available for the United Nations Fund for
3 Population Activities (hereinafter in this subsection
4 referred to as the “UNFPA”).

5 (2) PROHIBITION ON USE OF FUNDS IN
6 CHINA.—None of the funds made available under
7 subsection (a) may be made available for the
8 UNFPA for a country program in the People’s Re-
9 public of China.

10 (3) CONDITIONS ON AVAILABILITY OF
11 FUNDS.—Amounts made available under subsection
12 (a) for each of the fiscal years 2000 and 2001 for
13 the UNFPA may not be made available to the
14 UNFPA unless—

15 (A) the UNFPA maintains amounts made
16 available to the UNFPA under this section in
17 an account separate from other accounts of the
18 UNFPA;

19 (B) the UNFPA does not commingle
20 amounts made available to the UNFPA under
21 this section with other sums; and

22 (C) the UNFPA does not fund abortions.

23 (4) REPORT TO CONGRESS AND WITHHOLDING
24 OF FUNDS.—

1 (A) Not later than February 15, of each of
2 the years 2000 and 2001, the Secretary of
3 State shall submit a report to the appropriate
4 congressional committees indicating the amount
5 of funds that the United Nations Fund for
6 Population Activities is budgeting for the year
7 in which the report is submitted for a country
8 program in the People's Republic of China.

9 (B) If a report under subparagraph (A) in-
10 dicates that the United Nations Population
11 Fund plans to spend funds for a country pro-
12 gram in the People's Republic of China in the
13 year covered by the report, then the amount of
14 such funds that the UNFPA plans to spend in
15 the People's Republic of China shall be de-
16 ducted from the funds made available to the
17 UNFPA after March 1 for obligation for the re-
18 mainder of the fiscal year in which the report
19 is submitted.

20 (e) AVAILABILITY OF FUNDS.—Amounts authorized
21 to be appropriated under subsection (a) are authorized to
22 remain available until expended.

1 **Subtitle B—United States Inter-**
 2 **national Broadcasting Activities**

3 **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

4 (a) IN GENERAL.—The following amounts are au-
 5 thorized to be appropriated to carry out the United States
 6 International Broadcasting Act of 1994, the Radio Broad-
 7 casting to Cuba Act, and the Television Broadcasting to
 8 Cuba Act, and to carry out other authorities in law con-
 9 sistent with such purposes:

10 (1) INTERNATIONAL BROADCASTING ACTIVI-
 11 TIES.—For “International Broadcasting Activities”,
 12 \$385,900,000 for the fiscal year 2000, and
 13 \$393,618,000 for the fiscal year 2001.

14 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
 15 For “Broadcasting Capital Improvements”,
 16 \$20,868,000 for the fiscal year 2000, and
 17 \$20,868,000 for the fiscal year 2001.

18 (3) BROADCASTING TO CUBA.—For “Broad-
 19 casting to Cuba”, \$22,743,000 for the fiscal year
 20 2000 and \$22,743,000 for the fiscal year 2001.

21 (4) RADIO FREE ASIA.—For “Radio Free
 22 Asia”, \$24,000,000 for the fiscal year 2000, and
 23 \$30,000,000 for the fiscal year 2001.

1 **TITLE II—DEPARTMENT OF**
2 **STATE AUTHORITIES AND AC-**
3 **TIVITIES**

4 **Subtitle A—Basic Authorities and**
5 **Activities**

6 **SEC. 201. OFFICE OF CHILDREN'S ISSUES.**

7 (a) **DIRECTOR REQUIREMENTS.**—The Secretary of
8 State shall fill the position of Director of the Office of
9 Children's Issues of the Department of State (in this sec-
10 tion referred to as the "Office") with an individual of sen-
11 ior rank who can ensure long-term continuity in the man-
12 agement and policy matters of the Office and has a strong
13 background in consular affairs.

14 (b) **CASE OFFICER STAFFING.**—Effective April 1,
15 2000, there shall be assigned to the Office of Children's
16 Issues of the Department of State a sufficient number of
17 case officers to ensure that the average caseload for each
18 officer does not exceed 75.

19 (c) **EMBASSY CONTACT.**—The Secretary of State
20 shall designate in each United States diplomatic mission
21 an employee who shall serve as the point of contact for
22 matters relating to international abductions of children by
23 parents. The Director of the Office shall regularly inform
24 the designated employee of children of United States citi-
25 zens abducted by parents to that country.

1 (d) REPORTS TO PARENTS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), beginning 6 months after the date of en-
4 actment of this Act, and at least once every 6
5 months thereafter, the Secretary of State shall re-
6 port to each parent who has requested assistance re-
7 garding an abducted child overseas. Each such re-
8 port shall include information on the current status
9 of the abducted child’s case and the efforts by the
10 Department of State to resolve the case.

11 (2) EXCEPTION.—The requirement in para-
12 graph (1) shall not apply in a case of an abducted
13 child if—

14 (A) the case has been closed and the Sec-
15 retary of State has reported the reason the case
16 was closed to the parent who requested assist-
17 ance; or

18 (B) the parent seeking assistance requests
19 that such reports not be provided.

20 **SEC. 202. STRENGTHENING IMPLEMENTATION OF THE**
21 **HAGUE CONVENTION ON THE CIVIL ASPECTS**
22 **OF INTERNATIONAL CHILD ABDUCTION.**

23 Section 2803(a) of the Foreign Affairs Reform and
24 Restructuring Act of 1998 (as contained in division G of
25 Public Law 105–277) is amended—

1 (1) in the first sentence, by striking “1999,”
2 and inserting “2001,”;

3 (2) in paragraph (1), by striking “United
4 States citizens” and inserting “applicants in the
5 United States”;

6 (3) in paragraph (2), by striking “abducted.”
7 and inserting “abducted, are being wrongfully re-
8 tained in violation of United States court orders, or
9 which have failed to comply with any of their obliga-
10 tions under such convention with respect to applica-
11 tions for the return of children, access to children,
12 or both, submitted by applicants in the United
13 States.”;

14 (4) in paragraph (3)—

15 (A) by striking “children” and inserting
16 “children, access to children, or both,”; and

17 (B) by striking “United States citizens”
18 and inserting “applicants in the United States”;

19 (5) in paragraph (4), by inserting before the pe-
20 riod at the end the following: “, including the spe-
21 cific actions taken by the United States chief of mis-
22 sion in the country to which the child is alleged to
23 have been abducted”; and

24 (6) by inserting after paragraph (5) the fol-
25 lowing new paragraphs:

1 “(6) A list of the countries that are parties to
2 the Convention in which, during the reporting pe-
3 riod, parents who have been left-behind in the
4 United States have not been able to secure prompt
5 enforcement of a final return or access order under
6 a Hague proceeding, of a United States custody, ac-
7 cess, or visitation order, or of an access or visitation
8 order by authorities in the country concerned, due to
9 the absence of a prompt and effective method for en-
10 forcement of civil court orders, the absence of a doc-
11 trine of comity, or other factors.

12 “(7) A description of the efforts of the Sec-
13 retary of State to encourage the parties to the Con-
14 vention to facilitate the work of nongovernmental or-
15 ganizations within their countries that assist parents
16 seeking the return of children under the Conven-
17 tion.”.

18 **SEC. 203. REPORT CONCERNING ATTACK IN CAMBODIA.**

19 Not later than 30 days after the date of the enact-
20 ment of this Act, and one year thereafter unless the inves-
21 tigation referred to in this section is completed, the Sec-
22 retary of State, in consultation with the Attorney General,
23 shall submit a report to the appropriate congressional
24 committees, in classified and unclassified form, containing

1 the most current information on the investigation into the
2 March 30, 1997, grenade attack in Cambodia.

3 **SEC. 204. INTERNATIONAL EXPOSITIONS.**

4 (a) LIMITATION.—Except as provided in subsection
5 (b) and notwithstanding any other provision of law, the
6 Department of State may not obligate or expend any
7 funds appropriated to the Department of State for a
8 United States pavilion or other major exhibit at any inter-
9 national exposition or world's fair registered by the Bu-
10 reau of International Expositions in excess of amounts ex-
11 pressly authorized and appropriated for such purpose.

12 (b) EXCEPTIONS.—

13 (1) IN GENERAL.—The Department of State is
14 authorized to utilize its personnel and resources to
15 carry out the responsibilities of the Department for
16 the following:

17 (A) Administrative services, including legal
18 and other advice and contract administration,
19 under section 102(a)(3) of the Mutual Edu-
20 cational and Cultural Exchange Act of 1961
21 (22 U.S.C. 2452(a)(3)) related to United States
22 participation in international fairs and expo-
23 sitions abroad. Such administrative services
24 may not include capital expenses, operating ex-
25 penses, or travel or related expenses (other than

1 such expenses as are associated with the provi-
2 sion of administrative services by employees of
3 the Department of State).

4 (B) Activities under section 105(f) of such
5 Act with respect to encouraging foreign govern-
6 ments, international organizations, and private
7 individuals, firms, associations, agencies and
8 other groups to participate in international fairs
9 and expositions and to make contributions to be
10 utilized for United States participation in inter-
11 national fairs and expositions.

12 (C) Encouraging private support of United
13 States pavilions and exhibits at international
14 fairs and expositions.

15 (2) STATUTORY CONSTRUCTION.—Nothing in
16 this subsection authorizes the use of funds appro-
17 priated to the Department of State to make pay-
18 ments for—

19 (A) contracts, grants, or other agreements
20 with any other party to carry out the activities
21 described in this subsection; or

22 (B) the satisfaction of any legal claim or
23 judgment or the costs of litigation brought
24 against the Department of State arising from
25 activities described in this subsection.

1 (c) NOTIFICATION.—No funds made available to the
2 Department of State by any Federal agency to be used
3 for a United States pavilion or other major exhibit at any
4 international exposition or world's fair registered by the
5 Bureau of International Expositions may be obligated or
6 expended unless the appropriate congressional committees
7 are notified not less than 15 days prior to such obligation
8 or expenditure.

9 (d) REPORTS.—The Commissioner General of a
10 United States pavilion or other major exhibit at any inter-
11 national exposition or world's fair registered by the Bu-
12 reau of International Expositions shall submit to the Sec-
13 retary of State and the appropriate congressional commit-
14 tees a report concerning activities relating to such pavilion
15 or exhibit every 180 days while serving as Commissioner
16 General and shall submit a final report summarizing all
17 such activities not later than 1 year after the closure of
18 the pavilion or exhibit.

19 (e) REPEAL.—Section 230 of the Foreign Relations
20 Authorization Act, Fiscal Years 1994 and 1995 (22
21 U.S.C. 2452 note) is repealed.

1 **SEC. 205. RESPONSIBILITY OF THE AID INSPECTOR GEN-**
2 **ERAL FOR THE INTER-AMERICAN FOUNDA-**
3 **TION AND THE AFRICAN DEVELOPMENT**
4 **FOUNDATION.**

5 (a) RESPONSIBILITIES.—Section 8A(a) of the Inspec-
6 tor General Act of 1978 (5 U.S.C. App.) is amended—

7 (1) by striking “and” at the end of paragraph
8 (1);

9 (2) by striking the period at the end of para-
10 graph (2) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(3) shall supervise, direct, and control audit
13 and investigative activities relating to programs and
14 operations within the Inter-American Foundation
15 and the African Development Foundation.”.

16 (b) CONFORMING AMENDMENT.—Section 8A(f) of
17 the Inspector General Act of 1978 (5 U.S.C. App.) is
18 amended by inserting before the period at the end the fol-
19 lowing: “, an employee of the Inter-American Foundation,
20 and an employee of the African Development Founda-
21 tion”.

22 **SEC. 206. REPORT ON CUBAN DRUG TRAFFICKING.**

23 (a) IN GENERAL.—Not later than 120 days after the
24 date of enactment of this Act, the Secretary of State shall
25 submit to the appropriate congressional committees an un-
26 classified report (with a classified annex) on the extent

1 of international drug trafficking through Cuba since 1990.

2 The report shall include the following:

3 (1) Information concerning the extent to which
4 the Cuban Government or any official, employee, or
5 entity of the Government of Cuba has engaged in,
6 facilitated, or condoned such trafficking.

7 (2) The extent to which agencies of the United
8 States Government have investigated or prosecuted
9 such activities.

10 (b) LIMITATION.—The report need not include infor-
11 mation about isolated instances of conduct by low-level
12 employees, except to the extent that such information may
13 suggest improper conduct by more senior officials.

14 **SEC. 207. REVISION OF REPORTING REQUIREMENT.**

15 Section 3 of Public Law 102–1 is amended by strik-
16 ing “60 days” and inserting “90 days”.

17 **SEC. 208. FOREIGN LANGUAGE PROFICIENCY.**

18 (a) REPORT ON LANGUAGE PROFICIENCY.—Section
19 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022)
20 is amended by adding at the end the following new sub-
21 section:

22 “(c) Not later than March 31 of each year, the Direc-
23 tor General of the Foreign Service shall submit a report
24 to the Committee on Foreign Relations of the Senate and
25 the Committee on International Relations of the House

1 of Representatives summarizing the number of positions
2 in each overseas mission requiring foreign language com-
3 petence that—

4 “(1) became vacant during the previous cal-
5 endar year; and

6 “(2) were filled by individuals having the re-
7 quired foreign language competence.”.

8 (b) REPEAL.—Section 304(c) of the Foreign Service
9 Act of 1980 (22 U.S.C. 3944(c)) is repealed.

10 **SEC. 209. CONTINUATION OF REPORTING REQUIREMENTS.**

11 (a) REPORTS ON CLAIMS BY UNITED STATES FIRMS
12 AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section
13 2801(b)(1) of the Foreign Affairs Reform and Restruc-
14 turing Act of 1998 (as enacted by division G of the Omni-
15 bus Consolidated and Emergency Supplemental Appro-
16 priations Act, 1999; Public Law 105–277) is amended by
17 striking “third” and inserting “seventh”.

18 (b) REPORTS ON DETERMINATIONS UNDER TITLE
19 IV OF THE LIBERTAD ACT.—Section 2802(a) of the For-
20 eign Affairs Reform and Restructuring Act of 1998 (as
21 enacted by division G of the Omnibus Consolidated and
22 Emergency Supplemental Appropriations Act, 1999; Pub-
23 lic Law 105–277) is amended by striking “September 30,
24 1999,” and inserting “September 30, 2001,”.

1 (c) RELATIONS WITH VIETNAM.—Section 2805 of
2 the Foreign Affairs Reform and Restructuring Act of
3 1998 (as enacted by division G of the Omnibus Consoli-
4 dated and Emergency Supplemental Appropriations Act,
5 1999; Public Law 105–277) is amended by striking “Sep-
6 tember 30, 1999,” and inserting “September 30, 2001,”.

7 (d) REPORTS ON BALLISTIC MISSILE COOPERATION
8 WITH RUSSIA.—Section 2705(d) of the Foreign Affairs
9 Reform and Restructuring Act of 1998 (as enacted by di-
10 vision G of the Omnibus Consolidated and Emergency
11 Supplemental Appropriations Act, 1999; Public Law 105–
12 277) is amended by striking “and January 1, 2000,” and
13 inserting “January 1, 2000, and January 1, 2001,”.

14 (e) CONTINUATION OF REPORTS TERMINATED BY
15 THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT
16 OF 1995.—Section 3003(a)(1) of the Federal Reports
17 Elimination and Sunset Act of 1995 (Public Law 104–
18 66; 31 U.S.C. 1113 note) does not apply to any report
19 required to be submitted under any of the following provi-
20 sions of law:

21 (1) Section 1205 of the International Security
22 and Development Cooperation Act of 1985 (Public
23 Law 99–83; 22 U.S.C. 2346 note) (relating to an-
24 nual reports on economic conditions in Egypt, Israel,
25 Turkey, and Portugal).

1 (2) Section 1307(f)(1)(A) of the International
2 Financial Institutions Act (Public Law 95–118) (re-
3 lating to an assessment of the environmental impact
4 of proposed multilateral development bank actions).

5 (3) Section 118(f) of the Foreign Assistance
6 Act of 1961 (Public Law 87–195; 22 U.S.C. 2151p-
7 1) (relating to the protection of tropical forests).

8 (4) Section 586J(c)(4) of the Foreign Oper-
9 ations, Export Financing, and Related Programs
10 Appropriations Act, 1991 (Public Law 101–513)
11 (relating to sanctions taken by other nations against
12 Iraq).

13 (5) Section 3 of the Authorization for Use of
14 Military Force Against Iraq Resolution (Public Law
15 102–1; 105 Stat. 3) (relating to the status of efforts
16 to obtain Iraqi compliance with United Nations Se-
17 curity Council resolutions).

18 (6) Section 124 of the Foreign Relations Au-
19 thorization Act, Fiscal Years 1988 and 1989 (Public
20 Law 100–204; 22 U.S.C. 2680 note) (relating to ex-
21 penditures for emergencies in the diplomatic and
22 consular service).

23 (7) Section 620C(c) of the Foreign Assistance
24 Act of 1961 (Public Law 87–195; 22 U.S.C.
25 2373(c)) (relating to progress made toward the con-

1 clusion of a negotiated solution to the Cyprus prob-
2 lem).

3 (8) Section 533(b) of the Foreign Operations,
4 Export Financing, and Related Programs Appro-
5 priations Act, 19991 (Public Law 101–513) (relat-
6 ing to international natural resource management
7 initiatives).

8 (9) Section 3602 of the Omnibus Trade and
9 Competitiveness Act of 1988 (Public Law 100–418;
10 22 U.S.C. 5352) (relating to foreign treatment of
11 United States financial institutions).

12 (10) Section 1702 of the International Finan-
13 cial Institutions Act (Public Law 95–118; 22 U.S.C.
14 262r-1) (relating to operating summaries of the mul-
15 tilateral development banks).

16 (11) Section 1303(c) of the International Fi-
17 nancial Institutions Act (Public Law 95–118; 22
18 U.S.C. 262m-2(c)) (relating to international environ-
19 mental assistance programs).

20 (12) Section 1701(a) of the International Fi-
21 nancial Institutions Act (Public Law 95–118; 22
22 U.S.C. 262r) (relating to United States participation
23 in international financial institutions).

24 (13) Section 163(a) of the Trade Act of 1974
25 (Public Law 93–618; 19 U.S.C. 2213) (relating to

1 the trade agreements program and national trade
2 policy agenda).

3 (14) Section 8 of the Export-Import Bank Act
4 (Public Law 79–173; 12 U.S.C. 635g) (relating to
5 Export-Import Bank activities).

6 (15) Section 407(f) of the Agricultural Trade
7 Development and Assistance Act of 1954 (Public
8 Law 83–480; 7 U.S.C. 1736a) (relating to Public
9 Law 480 programs and activities).

10 (16) Section 239(c) of the Foreign Assistance
11 Act of 1961 (Public Law 87–195; 22 U.S.C.
12 2199(c)) (relating to OPIC audit report).

13 (17) Section 504(i) of the National Endowment
14 for Democracy Act (Public Law 98–164; 22 U.S.C.
15 4413(i)) (relating to the activities of the National
16 Endowment for Democracy).

17 (18) Section 5(b) of the Japan-United States
18 Friendship Act (Public Law 94–118; 22 U.S.C.
19 2904(b)) (relating to Japan-United States Friend-
20 ship Commission activities).

21 **SEC. 210. JOINT FUNDS UNDER AGREEMENTS FOR CO-**
22 **OPERATION IN ENVIRONMENTAL, SCI-**
23 **ENTIFIC, CULTURAL AND RELATED AREAS.**

24 Amounts made available to the Department of State
25 for participation in joint funds under agreements for co-

1 operation in environmental, scientific, cultural and related
2 areas prior to fiscal year 1996 which, pursuant to express
3 terms of such international agreements, were deposited in
4 interest-bearing accounts prior to disbursement may earn
5 interest, and interest accrued to such accounts may be
6 used and retained without return to the Treasury of the
7 United States and without further appropriation by Con-
8 gress. The Department of State shall take action to ensure
9 the complete and timely disbursement of appropriations
10 and associated interest within joint funds covered by this
11 section and final disposition of such agreements.

12 **SEC. 211. REPORT ON INTERNATIONAL EXTRADITION.**

13 (a) REPORT TO CONGRESS.—Not later than 180 days
14 after the date of enactment of this Act, the Secretary of
15 State shall review extradition treaties and other agree-
16 ments containing extradition obligations to which the
17 United States is a party (only with regard to those treaties
18 where the United States has diplomatic relations with the
19 treaty partner) and submit a report to the appropriate
20 congressional committees regarding United States extra-
21 dition policy and practice.

22 (b) CONTENTS OF REPORT.—The report under sub-
23 section (a) shall—

24 (1) discuss the factors that contribute to failure
25 of foreign nations to comply fully with their obliga-

1 tions under bilateral extradition treaties with the
2 United States;

3 (2) discuss the factors that contribute to na-
4 tions becoming “safe havens” for individuals fleeing
5 the United States justice system;

6 (3) identify those bilateral extradition treaties
7 to which the United States is a party which do not
8 require the extradition of nationals, and the reason
9 such treaties contain such a provision;

10 (4) discuss appropriate legislative and diplo-
11 matic solutions to existing gaps in United States ex-
12 tradition treaties and practice; and

13 (5) discuss current priorities of the United
14 States for negotiation of new extradition treaties and
15 renegotiation of existing treaties, including resource
16 factors relevant to such negotiations.

17 **Subtitle B—Consular Authorities**

18 **SEC. 231. MACHINE READABLE VISAS.**

19 Section 140(a) of the Foreign Relations Authoriza-
20 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
21 note) is amended—

22 (1) in paragraph (3) by amending the first sen-
23 tence to read as follows: “For each of the fiscal
24 years 2000, 2001, and 2002, any amount collected
25 under paragraph (1) that exceeds \$316,715,000 for

1 fiscal year 2000, \$316,715,000 for fiscal year 2001,
2 and \$316,715,000 for fiscal year 2002 may be made
3 available only if a notification is submitted to Con-
4 gress in accordance with the procedures applicable to
5 reprogramming notifications under section 34 of the
6 State Department Basic Authorities Act of 1956.”;
7 and

8 (2) by striking paragraphs (4) and (5).

9 **SEC. 232. FEES RELATING TO AFFIDAVITS OF SUPPORT.**

10 (a) **AUTHORITY TO CHARGE FEE.**—The Secretary of
11 State may charge and retain a fee or surcharge for serv-
12 ices provided by the Department of State to any sponsor
13 who provides an affidavit of support under section 213A
14 of the Immigration and Nationality Act (8 U.S.C. 1183a)
15 to ensure that such affidavit is properly completed before
16 it is forwarded to a consular post for adjudication by a
17 consular officer in connection with the adjudication of an
18 immigrant visa. Such fee or surcharge shall be in addition
19 to and separate from any fee imposed for immigrant visa
20 application processing and issuance, and shall recover only
21 the costs of such services not recovered by such fee.

22 (b) **LIMITATION.**—Any fee established under sub-
23 section (a) shall be charged only once to a sponsor or joint
24 sponsors who file essentially duplicative affidavits of sup-
25 port in connection with separate immigrant visa applica-

1 tions from the spouse and children of any petitioner re-
 2 quired by the Immigration and Nationality Act to petition
 3 separately for such persons.

4 (c) TREATMENT OF FEES.—Fees collected under the
 5 authority of subsection (a) shall be deposited as an offset-
 6 ting collection to any Department of State appropriation
 7 to recover the cost of providing consular services.

8 (d) COMPLIANCE WITH BUDGET ACT.—Fees col-
 9 lected under the authority of subsection (a) shall be avail-
 10 able only to such extent or in such amounts as are pro-
 11 vided in advance in an appropriation Act.

12 **SEC. 233. PASSPORT FEES.**

13 (a) APPLICATIONS.—Section 1 of the Passport Act
 14 of June 4, 1920 (22 U.S.C. 214), is amended—

15 (1) in the first sentence—

16 (A) by striking “each passport issued” and
 17 inserting “the filing of each application for a
 18 passport (including the cost of passport
 19 issuance and use)”; and

20 (B) by striking “each application for a
 21 passport;” and inserting “each such applica-
 22 tion”; and

23 (2) by adding after the first sentence the fol-
 24 lowing new sentence: “Such fees shall not be refund-

1 able, except as the Secretary may by regulation pre-
2 scribe.”.

3 (b) REPEAL OF OUTDATED PROVISION ON PASSPORT
4 FEES.—Section 4 of the Passport Act of June 4, 1920
5 (22 U.S.C. 216) is repealed.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall take effect on the date of issuance of
8 final regulations under section 1 of the Passport Act of
9 June 4, 1920, as amended by subsection (a).

10 **SEC. 234. DEATHS AND ESTATES OF UNITED STATES CITI-**
11 **ZENS ABROAD.**

12 (a) REPEAL.—Section 1709 of the Revised Statutes
13 (22 U.S.C. 4195) is repealed.

14 (b) AMENDMENT TO STATE DEPARTMENT BASIC AU-
15 THORITIES ACT.—The State Department Basic Authori-
16 ties Act of 1956 is amended by inserting after section 43
17 (22 U.S.C. 2715) the following new sections:

18 **“SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF**
19 **DEATH.**

20 “(a) IN GENERAL.—Whenever a United States cit-
21 izen or national dies abroad, a consular officer shall en-
22 deavor to notify, or assist the Secretary of State in noti-
23 fying, the next of kin or legal guardian as soon as possible,
24 except that, in the case of death of any Peace Corps volun-
25 teer (within the meaning of section 5(a) of the Peace

1 Corps Act (22 U.S.C. 2504(a)), any member of the Armed
 2 Forces, any dependent of such a volunteer or member, or
 3 any Department of Defense employee, the consular officer
 4 shall assist the Peace Corps or the appropriate military
 5 authorities, as the case may be, in making such notifica-
 6 tions.

7 “(b) REPORTS OF DEATH OR PRESUMPTIVE
 8 DEATH.—The consular officer may, for any United States
 9 citizen who dies abroad—

10 “(1) in the case of a finding of death by the ap-
 11 propriate local authorities, issue a report of death or
 12 of presumptive death; or

13 “(2) in the absence of a finding of death by the
 14 appropriate local authorities, issue a report of pre-
 15 sumptive death.

16 “(c) IMPLEMENTING REGULATIONS.—The Secretary
 17 of State shall prescribe such regulations as may be nec-
 18 essary to carry out this section.

19 **“SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.**

20 “(a) CONSERVATION OF ESTATES ABROAD.—

21 “(1) AUTHORITY TO ACT AS CONSERVATOR.—
 22 Whenever a United States citizen or national dies
 23 abroad, a consular officer shall act as the provisional
 24 conservator of the portion of the decedent’s estate

1 located abroad and, subject to paragraphs (3), (4),
2 and (5), shall—

3 “(A) take possession of the personal effects
4 of the decedent within his jurisdiction;

5 “(B) inventory and appraise the personal
6 effects of the decedent, sign the inventory, and
7 annex thereto a certificate as to the accuracy of
8 the inventory and appraised value of each arti-
9 cle;

10 “(C) when appropriate in the exercise of
11 prudent administration, collect the debts due to
12 the decedent in the officer’s jurisdiction and
13 pay from the estate the obligations owed by the
14 decedent;

15 “(D) sell or dispose of, as appropriate, in
16 the exercise of prudent administration, all per-
17 ishable items of property;

18 “(E) sell, after reasonable public notice
19 and notice to such next of kin as can be
20 ascertained with reasonable diligence, such ad-
21 ditional items of property as necessary to pro-
22 vide funds sufficient to pay the decedent’s debts
23 and property taxes in the country of death, fu-
24 neral expenses, and other expenses incident to
25 the disposition of the estate;

1 “(F) upon the expiration of the one-year
2 period beginning on the date of death (or after
3 such additional period as may be required for
4 final settlement of the estate), if no claimant
5 shall have appeared, after reasonable public no-
6 tice and notice to such next of kin as can be
7 ascertained with reasonable diligence, sell or
8 dispose of the residue of the personal estate, ex-
9 cept as provided in subparagraph (G), in the
10 same manner as United States Government-
11 owned foreign excess property;

12 “(G) transmit to the custody of the Sec-
13 retary of State in Washington, D.C. the pro-
14 ceeds of any sales, together with all financial in-
15 struments (including bonds, shares of stock,
16 and notes of indebtedness), jewelry, heirlooms,
17 and other articles of obvious sentimental value,
18 to be held in trust for the legal claimant; and

19 “(H) in the event that the decedent’s es-
20 tate includes an interest in real property located
21 within the jurisdiction of the officer and such
22 interest does not devolve by the applicable laws
23 of intestate succession or otherwise, provide for
24 title to the property to be conveyed to the Gov-

1 ernment of the United States unless the Sec-
2 retary declines to accept such conveyance.

3 “(2) AUTHORITY TO ACT AS ADMINISTRATOR.—
4 Subject to paragraphs (3) and (4), a consular officer
5 may act as administrator of an estate in exceptional
6 circumstances if expressly authorized to do so by the
7 Secretary of State.

8 “(3) EXCEPTIONS.—The responsibilities de-
9 scribed in paragraphs (1) and (2) may not be per-
10 formed to the extent that the decedent has left or
11 there is otherwise appointed, in the country where
12 the death occurred or where the decedent was domi-
13 ciled, a legal representative, partner in trade, or
14 trustee appointed to take care of his personal estate.
15 If the decedent’s legal representative shall appear at
16 any time prior to transmission of the estate to the
17 Secretary and demand the proceeds and effects
18 being held by the consular officer, the officer shall
19 deliver them to the representative after having col-
20 lected any prescribed fee for the services performed
21 under this section.

22 “(4) ADDITIONAL REQUIREMENT.—In addition
23 to being subject to the limitations in paragraph (3),
24 the responsibilities described in paragraphs (1) and
25 (2) may not be performed unless—

1 “(A) authorized by treaty provisions or
2 permitted by the laws or authorities of the
3 country wherein the death occurs, or the dece-
4 dent is domiciled; or

5 “(B) permitted by established usage in
6 that country.

7 “(5) STATUTORY CONSTRUCTION.—Nothing in
8 this section supersedes or otherwise affects the au-
9 thority of any military commander under title 10 of
10 the United States Code with respect to the person
11 or property of any decedent who died while under a
12 military command or jurisdiction or the authority of
13 the Peace Corps with respect to a Peace Corps vol-
14 unteer or the volunteer’s property.

15 “(b) DISPOSITION OF ESTATES BY THE SECRETARY
16 OF STATE.—

17 “(1) PERSONAL ESTATES.—

18 “(A) IN GENERAL.—After receipt of a per-
19 sonal estate pursuant to subsection (a), the
20 Secretary may seek payment of all outstanding
21 debts to the estate as they become due, may re-
22 ceive any balances due on such estate, may en-
23 dorse all checks, bills of exchange, promissory
24 notes, and other instruments of indebtedness
25 payable to the estate for the benefit thereof,

1 and may take such other action as is reasonably
2 necessary for the conservation of the estate.

3 “(B) DISPOSITION AS SURPLUS UNITED
4 STATES PROPERTY.—If, upon the expiration of
5 a period of 5 fiscal years beginning on October
6 1 after a consular officer takes possession of a
7 personal estate under subsection (a), no legal
8 claimant for such estate has appeared, title to
9 the estate shall be conveyed to the United
10 States, the property in the estate shall be under
11 the custody of the Department of State, and
12 the Secretary shall dispose of the estate in the
13 same manner as surplus United States Govern-
14 ment-owned property is disposed or by such
15 means as may be appropriate in light of the na-
16 ture and value of the property involved. The ex-
17 penses of sales shall be paid from the estate,
18 and any lawful claim received thereafter shall
19 be payable to the extent of the value of the net
20 proceeds of the estate as a refund from the ap-
21 propriate Treasury appropriations account.

22 “(C) TRANSFER OF PROCEEDS.—The net
23 cash estate after disposition as provided in sub-
24 paragraph (B) shall be transferred to the mis-

1 cellaneous receipts account of the Treasury of
2 the United States.

3 “(2) REAL PROPERTY.—

4 “(A) DESIGNATION AS EXCESS PROP-
5 PERTY.—In the event that title to real property
6 is conveyed to the Government of the United
7 States pursuant to subsection (a)(1)(H) and is
8 not required by the Department of State, such
9 property shall be considered foreign excess
10 property under title IV of the Federal Property
11 and Administrative Services Act of 1949 (40
12 U.S.C. 511 et seq.).

13 “(B) TREATMENT AS GIFT.—In the event
14 that the Department requires such property,
15 the Secretary of State shall treat such property
16 as if it were an unconditional gift accepted on
17 behalf of the Department of State under section
18 25 of this Act and section 9(a)(3) of the For-
19 eign Service Buildings Act of 1926.

20 “(c) LOSSES IN CONNECTION WITH THE CONSERVA-
21 TION OF ESTATES.—

22 “(1) AUTHORITY TO COMPENSATE.—The Sec-
23 retary is authorized to compensate the estate of any
24 United States citizen who has died overseas for
25 property—

1 “(A) the conservation of which has been
2 undertaken under section 43 or subsection (a)
3 of this section; and

4 “(B) that has been lost, stolen, or de-
5 stroyed while in the custody of officers or em-
6 ployees of the Department of State.

7 “(2) LIABILITY.—

8 “(A) EXCLUSION OF PERSONAL LIABILITY
9 AFTER PROVISION OF COMPENSATION.—Any
10 such compensation shall be in lieu of personal
11 liability of officers or employees of the Depart-
12 ment of State.

13 “(B) LIABILITY TO THE DEPARTMENT.—
14 An officer or employee of the Department of
15 State may be liable to the Department of State
16 to the extent of any compensation provided
17 under paragraph (1).

18 “(C) DETERMINATIONS OF LIABILITY.—
19 The liability of any officer or employee of the
20 Department of State to the Department for any
21 payment made under subsection (a) shall be de-
22 termined pursuant to the Department’s proce-
23 dures for determining accountability for United
24 States Government property.

1 “(d) REGULATIONS.—The Secretary of State may
 2 prescribe such regulations as may be necessary to carry
 3 out this section.”.

4 (c) EFFECTIVE DATE.—The repeal and amendment
 5 made by this section shall take effect six months after the
 6 date of enactment of this Act.

7 **SEC. 235. DUTIES OF CONSULAR OFFICERS REGARDING**
 8 **MAJOR DISASTERS AND INCIDENTS ABROAD**
 9 **AFFECTING UNITED STATES CITIZENS.**

10 Section 43 of the State Department Basic Authorities
 11 Act of 1956 (22 U.S.C. 2715) is amended—

12 (1) by inserting “(a) AUTHORITY.—” before
 13 “In”;

14 (2) by striking “disposition of personal effects.”
 15 in the last sentence and inserting “disposition of
 16 personal estates pursuant to section 43B of this
 17 Act.”; and

18 (3) by adding at the end the following new sub-
 19 section:

20 “(b) DEFINITIONS.—For purposes of this section and
 21 sections 43A and 43B, the term ‘consular officer’ includes
 22 any United States citizen employee of the Department of
 23 State who is designated by the Secretary of State to per-
 24 form consular services pursuant to such regulations as the
 25 Secretary may prescribe.”.

1 **SEC. 236. ISSUANCE OF PASSPORTS FOR CHILDREN UNDER**
2 **AGE 14.**

3 (a) IN GENERAL.—

4 (1) REGULATIONS.—Not later than 1 year after
5 the date of the enactment of this Act, the Secretary
6 of State shall issue regulations providing that before
7 a child under the age of 14 years is issued a pass-
8 port the requirements under paragraph (2) shall
9 apply under penalty of perjury.

10 (2) REQUIREMENTS.—

11 (A) Both parents, or the child's legal
12 guardian, must execute the application and pro-
13 vide documentary evidence demonstrating that
14 they are the parents or guardian; or

15 (B) the person executing the application
16 must provide documentary evidence that such
17 person—

18 (i) has sole custody of the child;

19 (ii) has the consent of the other par-
20 ent to the issuance of the passport; or

21 (iii) is in loco parentis and has the
22 consent of both parents, of a parent with
23 sole custody over the child, or of the child's
24 legal guardian, to the issuance of the pass-
25 port.

1 (b) EXCEPTIONS.—The regulations required by sub-
2 section (a) may provide for exceptions in exigent cir-
3 cumstances, such as those involving the health or welfare
4 of the child, or when the Secretary determines that
5 issuance of a passport is warranted by special family cir-
6 cumstances.

7 **SEC. 237. PROCESSING OF VISA APPLICATIONS.**

8 (a) POLICY.—It shall be the policy of the Department
9 of State to process immigrant visa applications of imme-
10 diate relatives of United States citizens and nonimmigrant
11 K–1 visa applications of fiances of United States citizens
12 within 30 days of the receipt of all necessary documents
13 from the applicant and the Immigration and Naturaliza-
14 tion Service. In the case of an immigrant visa application
15 where the sponsor of such applicant is a relative other
16 than an immediate relative, it should be the policy of the
17 Department of State to process such an application within
18 60 days of the receipt of all necessary documents from
19 the applicant and the Immigration and Naturalization
20 Service.

21 (b) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, and not later than 1 year
23 thereafter, the Secretary of State shall submit to the ap-
24 propriate congressional committees a report on the extent
25 to which the Department of State is meeting the policy

1 standards under subsection (a). Each report shall be based
2 on a survey of the 22 consular posts which account for
3 approximately 72 percent of immigrant visas issued and,
4 in addition, the consular posts in Guatemala City, Nicosia,
5 Caracas, Naples, and Jakarta. Each report should include
6 data on the average time for processing each category of
7 visa application under subsection (a), a list of the embas-
8 sies and consular posts which do not meet the policy
9 standards under subsection (a), the amount of funds col-
10 lected worldwide for processing of visa applications during
11 the most recent fiscal year, the estimated costs of proc-
12 essing such visa applications (based on the Department
13 of State's most recent fee study), the steps being taken
14 by the Department of State to achieve such policy stand-
15 ards, and results achieved by the interagency working
16 group charged with the goal of reducing the overall proc-
17 essing time for visa applications.

18 **SEC. 238. FEASIBILITY STUDY ON FURTHER PASSPORT RE-**
19 **STRICTIONS ON INDIVIDUALS IN ARREARS**
20 **ON CHILD SUPPORT.**

21 (a) REPORT TO CONGRESS.—Not later than 120 days
22 after the date of the enactment of this Act, the Secretary
23 of State, in consultation with the Secretary of Health and
24 Human Services, shall submit a report to the appropriate
25 congressional committees, the Committee on Ways and

1 Means of the House of Representatives, and the Com-
2 mittee on Finance of the Senate on the feasibility of de-
3 creasing the amount of an individual's arrearages of child
4 support that would require the Secretary of State to refuse
5 to issue a passport to such individual, or otherwise act
6 with respect to such an individual, as provided under sec-
7 tion 452(k) of the Social Security Act (42 U.S.C. 652(k)).

8 (b) CONTENTS OF REPORT.—The report under sub-
9 section (a) shall include the following:

10 (1) The estimated cost to the Department of
11 State of reducing the arrearage amount which would
12 result in a refusal to issue a passport to \$2,500 and,
13 in addition, an amount between \$5,000 and \$2,500.

14 (2) A projection of the estimated benefits of re-
15 ducing the amount to \$2,500 (or an amount between
16 \$5,000 and \$2,500), which shall include an estimate
17 of the additional numbers of individuals who would
18 be subject to denial, an estimate of the additional
19 child support arrearages that would be received
20 through such a reduction, and an estimate of the
21 amount of child support that would be paid earlier
22 than under current law (together with an estimate
23 of how much earlier such amounts would be paid).

24 (3) Information regarding the number of indi-
25 viduals with child support arrearages over \$2,500

1 and the average length of time it takes for individ-
2 uals to reach \$2,500 in arrearages.

3 (4) The methodology for the cost estimates and
4 benefit projections described in paragraphs (1) and
5 (2).

6 **Subtitle C—Refugees**

7 **SEC. 251. UNITED STATES POLICY REGARDING THE INVOL-** 8 **UNTARY RETURN OF REFUGEES.**

9 (a) IN GENERAL.—None of the funds made available
10 by this Act or by section 2(c) of the Migration and Ref-
11 ugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be
12 available to effect the involuntary return by the United
13 States of any person to a country in which the person has
14 a well-founded fear of persecution on account of race, reli-
15 gion, nationality, membership in a particular social group,
16 or political opinion, except on grounds recognized as pre-
17 cluding protection as a refugee under the United Nations
18 Convention Relating to the Status of Refugees of July 28,
19 1951, and the Protocol Relating to the Status of Refugees
20 of January 31, 1967, subject to the reservations contained
21 in the United States Senate Resolution of Ratification.

22 (b) MIGRATION AND REFUGEE ASSISTANCE.—None
23 of the funds made available by this Act or by section 2(c)
24 of the Migration and Refugee Assistance Act of 1962 (22
25 U.S.C. 2601(c)) shall be available to effect the involuntary

1 return of any person to any country unless the Secretary
2 of State first notifies the appropriate congressional com-
3 mittees, except that in the case of an emergency involving
4 a threat to human life the Secretary of State shall notify
5 the appropriate congressional committees as soon as prac-
6 ticable.

7 (c) INVOLUNTARY RETURN DEFINED.—As used in
8 this section, the term “to effect the involuntary return”
9 means to require, by means of physical force or cir-
10 cumstances amounting to a threat thereof, a person to re-
11 turn to a country against the person’s will, regardless of
12 whether the person is physically present in the United
13 States and regardless of whether the United States acts
14 directly or through an agent.

15 **SEC. 252. HUMAN RIGHTS REPORTS.**

16 Section 502B(b) of the Foreign Assistance Act of
17 1961 (22 U.S.C. 2304(b)) is amended by inserting after
18 the fourth sentence the following: “Each report under this
19 section shall describe the extent to which each country has
20 extended protection to refugees, including the provision of
21 first asylum and resettlement.”.

22 **SEC. 253. GUIDELINES FOR REFUGEE PROCESSING POSTS.**

23 (a) GUIDELINES FOR ADDRESSING HOSTILE BI-
24 ASES.—Section 602(c)(1) of the International Religious
25 Freedom Act of 1998 (Public Law 105–292; 112 Stat.

1 2812) is amended by inserting “and of the Department
2 of State” after “Service”.

3 (b) GUIDELINES FOR OVERSEAS REFUGEE PROC-
4 ESSING.—Section 602(c) of such Act is further amended
5 by adding at the end the following new paragraph:

6 “(3) Not later than 120 days after the date of
7 the enactment of the Admiral James W. Nance and
8 Meg Donovan Foreign Relations Authorization Act,
9 Fiscal Years 2000 and 2001, the Secretary of State
10 (after consultation with the Attorney General) shall
11 issue guidelines to ensure that persons with potential
12 biases against any refugee applicant, including per-
13 sons employed by, or otherwise subject to influence
14 by, governments known to be involved in persecution
15 on account of religion, race, nationality, membership
16 in a particular social group, or political opinion,
17 shall not in any way be used in processing deter-
18 minations of refugee status, including interpretation
19 of conversations or examination of documents pre-
20 sented by such applicants.”.

21 **SEC. 254. GENDER-RELATED PERSECUTION TASK FORCE.**

22 (a) ESTABLISHMENT OF TASK FORCE.—The Sec-
23 retary of State, in consultation with the Attorney General
24 and other appropriate Federal agencies, shall establish a
25 task force with the goal of determining eligibility guide-

1 lines for women seeking refugee status overseas due to
2 gender-related persecution.

3 (b) REPORT.—Not later than 1 year after the date
4 of the enactment of this Act, the Secretary of State shall
5 prepare and submit to the Congress a report outlining the
6 guidelines determined by the task force under subsection
7 (a).

8 **SEC. 255. ELIGIBILITY FOR REFUGEE STATUS.**

9 (a) ELIGIBILITY FOR IN-COUNTRY REFUGEE PROC-
10 ESSING IN VIETNAM.—For purposes of eligibility for in-
11 country refugee processing for nationals of Vietnam dur-
12 ing fiscal years 2000 and 2001, an alien described in sub-
13 section (b) or (d) shall be considered to be a refugee of
14 special humanitarian concern to the United States (within
15 the meaning of section 207 of the Immigration and Na-
16 tionality Act (8 USC 1157)) and shall be admitted to the
17 United States for resettlement if the alien would be admis-
18 sible as an immigrant under the Immigration and Nation-
19 ality Act (except as provided in section 207(c)(3) of that
20 Act).

21 (b) ALIENS COVERED.—An alien described in this
22 subsection is an alien who—

23 (1) is the son or daughter of a qualified na-
24 tional;

25 (2) is 21 years of age or older; and

1 (3) was unmarried as of the date of acceptance
2 of the alien's parent for resettlement under the Or-
3 derly Departure Program or through the United
4 States Consulate General in Ho Chi Minh City.

5 (c) QUALIFIED NATIONAL.—The term “qualified na-
6 tional” in subsection (b)(1) means a national of Vietnam
7 who—

8 (1)(A) was formerly interned in a re-education
9 camp in Vietnam by the Government of the Socialist
10 Republic of Vietnam; or

11 (B) is the widow or widower of an individual
12 described in subparagraph (A);

13 (2)(A) qualified for refugee processing under
14 the Orderly Departure Program re-education sub-
15 program; and

16 (B) except as provided in subsection (d), on or
17 after April 1, 1995, is or has been accepted under
18 the Orderly Departure Program or through the
19 United States Consulate General in Ho Chi Minh
20 City—

21 (i) for resettlement as a refugee; or

22 (ii) for admission to the United States as
23 an immediate relative immigrant; and

24 (3)(A) is presently maintaining a residence in
25 the United States; or

1 (B) was approved for refugee resettlement or
2 immigrant visa processing and is awaiting departure
3 formalities from Vietnam.

4 (d) PREVIOUS DENIALS BASED ON LACK OF CO-
5 RESIDENCY.—An alien who is otherwise qualified under
6 subsection (b) is eligible for admission for resettlement re-
7 gardless of the date of acceptance of the alien's parent
8 if the alien previously was denied refugee resettlement
9 based solely on the fact that the alien was not listed con-
10 tinuously on the parent's residence permit.

11 **TITLE III—ORGANIZATION AND**
12 **PERSONNEL OF THE DEPART-**
13 **MENT OF STATE**

14 **Subtitle A—Organization Matters**

15 **SEC. 301. LEGISLATIVE LIAISON OFFICES OF THE DEPART-**
16 **MENT OF STATE.**

17 (a) DEVELOPMENT OF ASSESSMENT.—The Secretary
18 of State shall assess the administrative and personnel re-
19 quirements for the establishment of legislative liaison of-
20 fices for the Department of State within the office build-
21 ings of the House of Representatives and the Senate. In
22 undertaking the assessment, the Secretary should examine
23 existing liaison offices of other executive departments that
24 are located in the congressional office buildings, including
25 the liaison offices of the military services.

1 (b) ASSESSMENT CONSIDERATIONS.—The assess-
2 ment required by subsection (a) shall consider—

3 (1) space requirements;

4 (2) cost implications;

5 (3) personnel structure; and

6 (4) the feasibility of modifying the Pearson Fel-
7 lowship program in order to have members of the
8 Foreign Service who serve in such fellowships serve
9 a second year in a legislative liaison office.

10 (c) TRANSMITTAL OF ASSESSMENT.—Not later than
11 6 months after the date of the enactment of this Act, the
12 Secretary of State shall submit to the Committee on Inter-
13 national Relations and the Committee on House Adminis-
14 tration of the House of Representatives and the Com-
15 mittee on Foreign Relations and the Committee on Rules
16 and Administration of the Senate the assessment devel-
17 oped under subsection (a).

18 **SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTH-**
19 **EASTERN EUROPE.**

20 The Secretary of State shall designate a senior-level
21 official of the Department of State with responsibility for
22 promoting regional cooperation in and coordinating
23 United States policy toward Northeastern Europe.

1 **SEC. 303. SCIENCE AND TECHNOLOGY ADVISER TO SEC-**
2 **RETARY OF STATE.**

3 (a) DESIGNATION.—The Secretary of State shall des-
4 ignate a senior-level official of the Department of State
5 as the Science and Technology Adviser to the Secretary
6 of State (in this section referred to as the “Adviser”). The
7 Adviser shall have substantial experience in the area of
8 science and technology. The Adviser shall report to the
9 Secretary of State through the appropriate Under Sec-
10 retary of State.

11 (b) DUTIES.—The Adviser shall—

12 (1) advise the Secretary of State, through the
13 appropriate Under Secretary of State, on inter-
14 national science and technology matters affecting the
15 foreign policy of the United States; and

16 (2) perform such duties, exercise such powers,
17 and have such rank and status as the Secretary of
18 State shall prescribe.

19 **SEC. 304. APPLICATION OF CERTAIN LAWS TO PUBLIC DI-**
20 **PLOMACY FUNDS.**

21 Section 1333(c) of the Foreign Affairs Reform and
22 Restructuring Act of 1998 (as enacted in division G of
23 the Omnibus Consolidated and Emergency Supplemental
24 Appropriations Act, 1999; Public Law 105–277) is
25 amended—

1 (1) after “diplomacy programs” by inserting “,
2 identified as public diplomacy funds in any Congres-
3 sional Presentation Document described in sub-
4 section (e), or reprogrammed for public diplomacy
5 purposes,”;

6 (2) by striking “Except” and inserting “(1) Ex-
7 cept”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(2) CONSTRUCTION.—Nothing in paragraph (1)
11 may be construed (A) to interfere with the integration of
12 administrative resources between public diplomacy and
13 other functions of the Department of State or to prevent
14 the occasional performance of functions other than public
15 diplomacy by officials or employees of the Department of
16 State who are primarily assigned to public diplomacy, pro-
17 vided there is no substantial resulting diminution in the
18 amount of resources devoted to public diplomacy below the
19 amounts described in paragraph (1), or (B) to supersede
20 reprogramming procedures.”.

21 **SEC. 305. REFORM OF THE DIPLOMATIC TELECOMMUNI-**
22 **CATIONS SERVICE PROGRAM OFFICE.**

23 (a) **ADDITIONAL RESOURCES.**—In addition to other
24 amounts authorized to be appropriated for the purposes
25 of the Diplomatic Telecommunications Service Program

1 Office (DTS-PO), of the amounts made available to the
2 Department of State under section 101(2), \$18,000,000
3 shall be made available only to the DTS-PO for enhance-
4 ment of Diplomatic Telecommunications Service capabili-
5 ties.

6 (b) IMPROVEMENT OF DTS-PO.—In order for the
7 DTS-PO to better manage a fully integrated telecommuni-
8 cations network to service all agencies at diplomatic mis-
9 sions and consular posts, the DTS-PO shall—

10 (1) ensure that those enhancements of, and the
11 provision of service for, telecommunication capabili-
12 ties that involve the national security interests of the
13 United States receive the highest prioritization;

14 (2) not later than December 31, 1999, termi-
15 nate all leases for satellite systems located at posts
16 in criteria countries, unless all maintenance and
17 servicing of the satellite system is undertaken by
18 United States citizens who have received appropriate
19 security clearances;

20 (3) institute a system of charges for utilization
21 of bandwidth by each agency beginning October 1,
22 2000, and institute a comprehensive chargeback sys-
23 tem to recover all, or substantially all, of the other
24 costs of telecommunications services provided

1 through the Diplomatic Telecommunications Service
2 to each agency beginning October 1, 2001;

3 (4) ensure that all DTS-PO policies and proce-
4 dures comply with applicable policies established by
5 the Overseas Security Policy Board; and

6 (5) maintain the allocation of the positions of
7 Director and Deputy Director of DTS-PO as those
8 positions were assigned as of June 1, 1999, which
9 assignments shall pertain through fiscal year 2001,
10 at which time such assignments shall be adjusted in
11 the customary manner.

12 (c) REPORT ON IMPROVING MANAGEMENT.—Not
13 later than March 31, 2000, the Director and Deputy Di-
14 rector of DTS-PO shall jointly submit to the Committee
15 on International Relations and the Permanent Select
16 Committee on Intelligence of the House of Representatives
17 and the Committee on Foreign Relations and the Select
18 Committee on Intelligence of the Senate the Director's
19 plan for improving network architecture, engineering, op-
20 erations monitoring and control, service metrics reporting,
21 and service provisioning, so as to achieve highly secure,
22 reliable, and robust communications capabilities that meet
23 the needs of both national security agencies and other
24 United States agencies with overseas personnel.

1 (d) FUNDING OF DTS-PO.—Funds appropriated for
 2 allocation to DTS-PO shall be made available only for
 3 DTS-PO until a comprehensive chargeback system is in
 4 place.

5 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
 6 FINED.—In this section, the term “appropriate commit-
 7 tees of Congress” means the Committee on International
 8 Relations and the Permanent Select Committee on Intel-
 9 ligence of the House of Representatives and the Com-
 10 mittee on Foreign Relations and the Select Committee on
 11 Intelligence of the Senate.

12 **Subtitle B—Personnel of the** 13 **Department of State**

14 **SEC. 321. AWARD OF FOREIGN SERVICE STAR.**

15 The State Department Basic Authorities Act of 1956
 16 is amended by inserting after section 36 (22 U.S.C. 2708)
 17 the following new section:

18 **“SEC. 36A. AWARD OF FOREIGN SERVICE STAR.**

19 “(a) AUTHORITY TO AWARD.—The President, upon
 20 the recommendation of the Secretary, may award a For-
 21 eign Service star to any member of the Foreign Service
 22 or any other civilian employee of the Government of the
 23 United States who, while employed at, or assigned perma-
 24 nently or temporarily to, an official mission overseas or
 25 while traveling abroad on official business, incurred a

1 wound or other injury or an illness (whether or not the
2 wound, other injury, or illness resulted in death)—

3 “(1) as the person was performing official du-
4 ties;

5 “(2) as the person was on the premises of a
6 United States mission abroad; or

7 “(3) by reason of the person’s status as a
8 United States Government employee.

9 “(b) SELECTION CRITERIA.—The Secretary shall
10 prescribe the procedures for identifying and considering
11 persons eligible for award of a Foreign Service star and
12 for selecting the persons to be recommended for the
13 award.

14 “(c) AWARD IN THE EVENT OF DEATH.—If a person
15 selected for award of a Foreign Service star dies before
16 being presented the award, the award may be made and
17 the star presented to the person’s family or to the person’s
18 representative, as designated by the President.

19 “(d) FORM OF AWARD.—The Secretary shall pre-
20 scribe the design of the Foreign Service star. The award
21 may not include a stipend or any other cash payment.

22 “(e) FUNDING.—Any expenses incurred in awarding
23 a person a Foreign Service star may be paid out of appro-
24 priations available at the time of the award for personnel
25 of the department or agency of the United States Govern-

1 ment in which the person was employed when the person
 2 incurred the wound, injury, or illness upon which the
 3 award is based.”.

4 **SEC. 322. UNITED STATES CITIZENS HIRED ABROAD.**

5 Section 408(a)(1) of the Foreign Service Act of 1980
 6 (22 U.S.C. 3968(a)(1)) is amended in the last sentence—

7 (1) by striking “(A)” and all that follows
 8 through “(B)”; and

9 (2) by striking “this total compensation pack-
 10 age” and inserting “the total compensation pack-
 11 age”.

12 **SEC. 323. LIMITATION ON PERCENTAGE OF SENIOR FOR-**
 13 **EIGN SERVICE ELIGIBLE FOR PERFORMANCE**
 14 **PAY.**

15 Section 405(b)(1) of the Foreign Service Act of 1980
 16 (22 U.S.C. 3965(b)(1)) is amended by striking “50” and
 17 inserting “33”.

18 **SEC. 324. PLACEMENT OF SENIOR FOREIGN SERVICE PER-**
 19 **SONNEL.**

20 The Director General of the Foreign Service shall
 21 submit a report on the first day of each fiscal quarter to
 22 the appropriate congressional committees containing the
 23 following:

24 (1) The number of members of the Senior For-
 25 eign Service.

1 (2) The number of vacant positions designated
2 for members of the Senior Foreign Service.

3 (3) The number of members of the Senior For-
4 eign Service who are not assigned to positions.

5 **SEC. 325. REPORT ON MANAGEMENT TRAINING.**

6 Not later than April 1, 2000, the Department of
7 State shall report to the appropriate congressional com-
8 mittees on the feasibility of modifying current training
9 programs and curricula so that the Department can pro-
10 vide significant and comprehensive management training
11 at all career grades for Foreign Service personnel.

12 **SEC. 326. WORKFORCE PLANNING FOR FOREIGN SERVICE**
13 **PERSONNEL BY FEDERAL AGENCIES.**

14 Section 601(c) of the Foreign Service Act of 1980
15 (22 U.S.C. 4001(c)) is amended by striking paragraph (4)
16 and inserting the following:

17 “(4) Not later than March 1, 2001, and every four
18 years thereafter, the Secretary of State shall submit a re-
19 port to the Speaker of the House of Representatives and
20 to the Committee on Foreign Relations of the Senate
21 which shall include the following:

22 “(A) A description of the steps taken and
23 planned in furtherance of—

1 “(i) maximum compatibility among agen-
2 cies utilizing the Foreign Service personnel sys-
3 tem, as provided for in section 203, and

4 “(ii) the development of uniform policies
5 and procedures and consolidated personnel
6 functions, as provided for in section 204.

7 “(B) A workforce plan for the subsequent five
8 years, including projected personnel needs, by grade
9 and by skill. Each such plan shall include for each
10 category the needs for foreign language proficiency,
11 geographic and functional expertise, and specialist
12 technical skills. Each workforce plan shall specifi-
13 cally account for the training needs of Foreign Serv-
14 ice personnel and shall delineate an intake program
15 of generalist and specialist Foreign Service per-
16 sonnel to meet projected future requirements.

17 “(5) If there are substantial modifications to any
18 workforce plan under paragraph (4)(B) during any year
19 in which a report under paragraph (4) is not required,
20 a supplemental annual notification shall be submitted in
21 the same manner as reports are required to be submitted
22 under paragraph (4).”.

23 **SEC. 327. RECORDS OF DISCIPLINARY ACTIONS.**

24 (a) IN GENERAL.—Section 604 of the Foreign Serv-
25 ice Act of 1980 (22 U.S.C. 4004) is amended—

1 (1) by striking “CONFIDENTIALITY OF
2 RECORDS.—” and inserting “RECORDS.—(a)”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) Notwithstanding subsection (a), any record of
6 disciplinary action that includes a suspension of more than
7 five days taken against a member of the Service, including
8 any correction of that record under section 1107(b)(1),
9 shall remain a part of the personnel records until the
10 member is tenured as a career member of the Service or
11 next promoted.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section apply to all disciplinary actions initiated on
14 or after the date of enactment of this Act.

15 **SEC. 328. LIMITATION ON SALARY AND BENEFITS FOR**
16 **MEMBERS OF THE FOREIGN SERVICE REC-**
17 **OMMENDED FOR SEPARATION FOR CAUSE.**

18 Section 610(a) of the Foreign Service Act (22 U.S.C.
19 4010(a)) is amended by adding at the end the following
20 new paragraph:

21 “(6) Notwithstanding the hearing required by para-
22 graph (2), at the time the Secretary recommends that a
23 member of the Service be separated for cause, that mem-
24 ber shall be placed on leave without pay pending final reso-
25 lution of the underlying matter, subject to reinstatement

1 with back pay if cause for separation is not established
2 in a hearing before the Board.”.

3 **SEC. 329. TREATMENT OF GRIEVANCE RECORDS.**

4 Section 1103(d)(1) of the Foreign Service Act of
5 1980 (22 U.S.C. 4133(d)(1)) is amended by adding the
6 following new sentence at the end: “Nothing in this sub-
7 section shall prevent a grievant from placing a rebuttal
8 to accompany a record of disciplinary action in such griev-
9 ant’s personnel records nor prevent the Department from
10 including a response to such rebuttal, including docu-
11 menting those cases in which the Board has reviewed and
12 upheld the discipline.”.

13 **SEC. 330. DEADLINES FOR FILING GRIEVANCES.**

14 (a) IN GENERAL.—Section 1104(a) of the Foreign
15 Service Act of 1980 (22 U.S.C. 4134(a)) is amended in
16 the first sentence by striking “within a period of 3 years”
17 and all that follows through the period and inserting “not
18 later than two years after the occurrence giving rise to
19 the grievance or, in the case of a grievance with respect
20 to the grievant’s rater or reviewer, one year after the date
21 on which the grievant ceased to be subject to rating or
22 review by that person, but in no case less than two years
23 after the occurrence giving rise to the grievance.”.

24 (b) GRIEVANCES ALLEGING DISCRIMINATION.—Sec-
25 tion 1104 of that Act (22 U.S.C. 4134) is amended in

1 subsection (c) by striking “3 years” and inserting “2
2 years”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect 180 days after the date of
5 enactment of this Act and shall apply to grievances which
6 arise on or after such effective date.

7 **SEC. 331. REPORTS BY THE FOREIGN SERVICE GRIEVANCE**
8 **BOARD.**

9 Section 1105 of the Foreign Service Act of 1980 (22
10 U.S.C. 4135) is amended by adding at the end the fol-
11 lowing new subsection:

12 “(f)(1) Not later than March 1 of each year, the
13 Chairman of the Foreign Service Grievance Board shall
14 prepare a report summarizing the activities of the Board
15 during the previous calendar year. The report shall
16 include—

17 “(A) the number of cases filed;

18 “(B) the types of cases filed;

19 “(C) the number of cases on which a final deci-
20 sion was reached, as well as data on the outcome of
21 cases, whether affirmed, reversed, settled, with-
22 drawn, or dismissed;

23 “(D) the number of oral hearings conducted
24 and the length of each such hearing;

1 “(E) the number of instances in which interim
2 relief was granted by the Board; and

3 “(F) data on the average time for consideration
4 of a grievance, from the time of filing to a decision
5 of the Board.

6 “(2) The report required under paragraph (1) shall
7 be submitted to the Director General of the Foreign Serv-
8 ice and the Committee on Foreign Relations of the Senate
9 and the Committee on International Relations of the
10 House of Representatives.”.

11 **SEC. 332. EXTENSION OF USE OF FOREIGN SERVICE PER-**
12 **SONNEL SYSTEM.**

13 Section 202(a) of the Foreign Service Act of 1980
14 (22 U.S.C. 3922(a)) is amended by adding at the end the
15 following new paragraph:

16 “(4)(A) Whenever (and to the extent) the Sec-
17 retary of State considers it in the best interests of
18 the United States Government, the Secretary of
19 State may authorize the head of any agency or other
20 Government establishment (including any establish-
21 ment in the legislative or judicial branch) to appoint
22 under section 303 individuals described in subpara-
23 graph (B) as members of the Service and to utilize
24 the Foreign Service personnel system with respect to

1 such individuals under such regulations as the Sec-
2 retary of State may prescribe.

3 “(B) The individuals referred to in subpara-
4 graph (A) are individuals eligible for employment
5 abroad under section 311(a).”.

6 **SEC. 333. BORDER EQUALIZATION PAY ADJUSTMENT.**

7 (a) IN GENERAL.—Chapter 4 of title I of the Foreign
8 Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended
9 by adding at the end the following new section:

10 **“SEC. 414. BORDER EQUALIZATION PAY ADJUSTMENT.**

11 “(a) IN GENERAL.—An employee who regularly com-
12 mutes from the employee’s place of residence in the conti-
13 nental United States to an official duty station in Canada
14 or Mexico shall receive a border equalization pay adjust-
15 ment equal to the amount of comparability payments
16 under section 5304 of title 5, United States Code, that
17 the employee would receive if the employee were assigned
18 to an official duty station within the United States locality
19 pay area closest to the employee’s official duty station.

20 “(b) EMPLOYEE DEFINED.—For purposes of this
21 section, the term ‘employee’ means a person who—

22 “(1) is an ‘employee’ as defined under section
23 2105 of title 5, United States Code; and

24 “(2) is employed by the Department of State,
25 the United States Agency for International Develop-

1 ment, or the International Joint Commission of the
 2 United States and Canada (established under Article
 3 VII of the treaty signed January 11, 1909) (36
 4 Stat. 2448), except that the term shall not include
 5 members of the Service (as specified in section 103).

6 “(c) TREATMENT AS BASIC PAY.—An equalization
 7 pay adjustment paid under this section shall be considered
 8 to be part of basic pay for the same purposes for which
 9 comparability payments are considered to be part of basic
 10 pay under section 5304 of title 5, United States Code.

11 “(d) REGULATIONS.—The heads of the agencies re-
 12 ferred to in subsection (b)(2) may prescribe regulations
 13 to carry out this section.”.

14 (b) CONFORMING AMENDMENT.—The table of con-
 15 tents for the Foreign Service Act of 1980 is amended by
 16 inserting after the item relating to section 413 the fol-
 17 lowing new item:

“Sec. 414. Border equalization pay adjustment.”.

18 **SEC. 334. TREATMENT OF CERTAIN PERSONS REEMPLOYED**
 19 **AFTER SERVICE WITH INTERNATIONAL OR-**
 20 **GANIZATIONS.**

21 (a) IN GENERAL.—Title 5 of the United States Code
 22 is amended by inserting after section 8432b the following
 23 new section:

1 **“§ 8432c. Contributions of certain persons reem-**
2 **ployed after service with international**
3 **organizations**

4 “(a) In this section, the term ‘covered person’ means
5 any person who—

6 “(1) transfers from a position of employment
7 covered by chapter 83 or 84 or subchapter I or II
8 of chapter 8 of the Foreign Service Act of 1980 to
9 a position of employment with an international orga-
10 nization pursuant to section 3582;

11 “(2) pursuant to section 3582 elects to retain
12 coverage, rights, and benefits under any system es-
13 tablished by law for the retirement of persons during
14 the period of employment with the international or-
15 ganization and currently deposits the necessary de-
16 ductions in payment for such coverage, rights, and
17 benefits in the system’s fund; and

18 “(3) is reemployed pursuant to section 3582(b)
19 to a position covered by chapter 83 or 84 or sub-
20 chapter I or II of chapter 8 of the Foreign Service
21 Act of 1980 after separation from the international
22 organization.

23 “(b)(1) Each covered person may contribute to the
24 Thrift Savings Fund, in accordance with this subsection,
25 an amount not to exceed the amount described in para-
26 graph (2).

1 “(2) The maximum amount which a covered person
2 may contribute under paragraph (1) is equal to—

3 “(A) the total amount of all contributions under
4 section 8351(b)(2) or 8432(a), as applicable, which
5 the person would have made over the period begin-
6 ning on the date of transfer of the person (as de-
7 scribed in subsection (a)(1)) and ending on the day
8 before the date of reemployment of the person (as
9 described in subsection (a)(3)), minus

10 “(B) the total amount of all contributions, if
11 any, under section 8351(b)(2) or 8432(a), as appli-
12 cable, actually made by the person over the period
13 described in subparagraph (A).

14 “(3) Contributions under paragraph (1)—

15 “(A) shall be made at the same time and in the
16 same manner as would any contributions under sec-
17 tion 8351(b)(2) or 8432(a), as applicable;

18 “(B) shall be made over the period of time
19 specified by the person under paragraph (4)(B); and

20 “(C) shall be in addition to any contributions
21 actually being made by the person during that pe-
22 riod under section 8351(b)(2) or 8432(a), as appli-
23 cable.

1 “(4) The Executive Director shall prescribe the time,
2 form, and manner in which a covered person may
3 specify—

4 “(A) the total amount the person wishes to con-
5 tribute with respect to any period described in para-
6 graph (2)(A); and

7 “(B) the period of time over which the covered
8 person wishes to make contributions under this sub-
9 section.

10 “(c) If a covered person who makes contributions
11 under section 8432(a) makes contributions under sub-
12 section (b), the agency employing the person shall make
13 those contributions to the Thrift Savings Fund on the per-
14 son’s behalf in the same manner as contributions are made
15 for an employee described in section 8432b(a) under sec-
16 tions 8432b(c), 8432b(d), and 8432b(f). Amounts paid
17 under this subsection shall be paid in the same manner
18 as amounts are paid under section 8432b(g).

19 “(d) For purposes of any computation under this sec-
20 tion, a covered person shall, with respect to the period de-
21 scribed in subsection (b)(2)(A), be considered to have been
22 paid at the rate which would have been payable over such
23 period had the person remained continuously employed in
24 the position that the person last held before transferring
25 to the international organization.

1 “(e) For purposes of section 8432(g), a covered per-
 2 son shall be credited with a period of civilian service equal
 3 to the period beginning on the date of transfer of the per-
 4 son (as described in subsection (a)(1)) and ending on the
 5 day before the date of reemployment of the person (as de-
 6 scribed in subsection (a)(3)).

7 “(f) The Executive Director shall prescribe regula-
 8 tions to carry out this section.”.

9 (b) CONFORMING AMENDMENT.—The table of sec-
 10 tions for chapter 84 of title 5, United States Code, is
 11 amended by inserting after the item relating to section
 12 8432b the following:

“8432c. Contributions of certain persons reemployed after service with inter-
 national organizations.”.

13 (c) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall apply to persons reemployed on or
 15 after the date of enactment of this Act.

16 **SEC. 335. TRANSFER ALLOWANCE FOR FAMILIES OF DE-**
 17 **CEASED FOREIGN SERVICE PERSONNEL.**

18 Section 5922 of title 5, United States Code, is
 19 amended by adding at the end the following:

20 “(f)(1) If an employee dies at post in a foreign area,
 21 a transfer allowance under section 5924(2)(B) may be
 22 granted to the spouse or dependents of such employee (or
 23 both) for the purpose of providing for their return to the
 24 United States.

1 “(2) A transfer allowance under this subsection may
2 not be granted with respect to the spouse or a dependent
3 of the employee unless, at the time of death, such spouse
4 or dependent was residing—

5 “(A) at the employee’s post of assignment; or

6 “(B) at a place, outside the United States, for
7 which a separate maintenance allowance was being
8 furnished under section 5924(3).

9 “(3) The President may prescribe any regulations
10 necessary to carry out this subsection.”.

11 **SEC. 336. PARENTAL CHOICE IN EDUCATION.**

12 Section 5924(4) of title 5, United States Code, is
13 amended—

14 (1) in subparagraph (A), by striking “between
15 that post and the nearest locality where adequate
16 schools are available,” and inserting “between that
17 post and the school chosen by the employee, not to
18 exceed the total cost to the Government of the de-
19 pendent attending an adequate school in the nearest
20 locality where an adequate school is available,”; and

21 (2) by adding at the end the following new sub-
22 paragraph:

23 “(C) In those cases in which an adequate
24 school is available at the post of the employee,
25 if the employee chooses to educate the depend-

1 ent at a school away from post, the education
2 allowance which includes board and room, and
3 periodic travel between the post and the school
4 chosen, shall not exceed the total cost to the
5 Government of the dependent attending an ade-
6 quate school at the post of the employee.”.

7 **SEC. 337. MEDICAL EMERGENCY ASSISTANCE.**

8 Section 5927 of title 5, United States Code, is
9 amended to read as follows:

10 **“§ 5927. Advances of pay**

11 “(a) Up to three months’ pay may be paid in
12 advance—

13 “(1) to an employee upon the assignment of the
14 employee to a post in a foreign area;

15 “(2) to an employee, other than an employee
16 appointed under section 303 of the Foreign Service
17 Act of 1980 (and employed under section 311 of
18 such Act), who—

19 “(A) is a citizen of the United States;

20 “(B) is officially stationed or located out-
21 side the United States pursuant to Government
22 authorization; and

23 “(C) requires (or has a family member who
24 requires) medical treatment outside the United

1 States, in circumstances specified by the Presi-
2 dent in regulations; and

3 “(3) to a foreign national employee appointed
4 under section 303 of the Foreign Service Act of
5 1980, or a nonfamily member United States citizen
6 appointed under such section 303 (and employed
7 under section 311 of such Act) for service at such
8 nonfamily member’s post of residence, who—

9 “(A) is located outside the country of em-
10 ployment of such foreign national employee or
11 nonfamily member (as the case may be) pursu-
12 ant to Government authorization; and

13 “(B) requires medical treatment outside
14 the country of employment of such foreign na-
15 tional employee or nonfamily member (as the
16 case may be), in circumstances specified by the
17 President in regulations.

18 “(b) For the purpose of this section, the term ‘coun-
19 try of employment’, as used with respect to an individual
20 under subsection (a)(3), means the country (or other area)
21 outside the United States where such individual is ap-
22 pointed (as described in subsection (a)(3)) by the Govern-
23 ment.”.

1 **SEC. 338. REPORT CONCERNING FINANCIAL DISADVAN-**
2 **TAGES FOR ADMINISTRATIVE AND TECH-**
3 **NICAL PERSONNEL.**

4 (a) FINDINGS.—Congress finds that administrative
5 and technical personnel posted to United States missions
6 abroad who do not have diplomatic status suffer financial
7 disadvantages from their lack of such status.

8 (b) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Secretary of State should
10 submit a report to the appropriate congressional commit-
11 tees concerning the extent to which administrative and
12 technical personnel posted to United States missions
13 abroad who do not have diplomatic status suffer financial
14 disadvantages from their lack of such status, including
15 proposals to alleviate such disadvantages.

16 **SEC. 339. STATE DEPARTMENT INSPECTOR GENERAL AND**
17 **PERSONNEL INVESTIGATIONS.**

18 (a) AMENDMENT OF THE FOREIGN SERVICE ACT of
19 1980.—Section 209(c) of the Foreign Service Act of 1980
20 (22 U.S.C. 3929(c)) is amended by adding at the end the
21 following:

22 “(5) INVESTIGATIONS.—

23 “(A) CONDUCT OF INVESTIGATIONS.—In
24 conducting investigations of potential violations
25 of Federal criminal law or Federal regulations,
26 the Inspector General shall—

1 “(i) abide by professional standards
2 applicable to Federal law enforcement
3 agencies; and

4 “(ii) make every reasonable effort to
5 permit each subject of an investigation an
6 opportunity to provide exculpatory infor-
7 mation.

8 “(B) FINAL REPORTS OF INVESTIGA-
9 TIONS.—In order to ensure that final reports of
10 investigations are thorough and accurate, the
11 Inspector General shall—

12 “(i) make every reasonable effort to
13 ensure that any person named in a final
14 report of investigation has been afforded
15 an opportunity to refute any allegation of
16 wrongdoing or assertion with respect to a
17 material fact made regarding that person’s
18 actions;

19 “(ii) include in every final report of
20 investigation any exculpatory information,
21 as well as any inculpatory information,
22 that has been discovered in the course of
23 the investigation.”.

1 (b) ANNUAL REPORT.—Section 209(d)(2) of the For-
2 eign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is
3 amended—

4 (1) by striking “and” at the end of subpara-
5 graph (D);

6 (2) by striking the period at the end of sub-
7 paragraph (E) and inserting “; and”; and

8 (3) by inserting after subparagraph (E) the fol-
9 lowing new subparagraph:

10 “(F) a notification, which may be included,
11 if necessary, in the classified portion of the re-
12 port, of any instance in a case that was closed
13 during the period covered by the report when
14 the Inspector General decided not to afford an
15 individual the opportunity described in sub-
16 section (c)(5)(B)(i) to refute any allegation and
17 the rationale for denying such individual that
18 opportunity.”.

19 (c) STATUTORY CONSTRUCTION.—Nothing in the
20 amendments made by this section may be construed to
21 modify—

22 (1) section 209(d)(4) of the Foreign Service Act
23 of 1980 (22 U.S.C. 3929(d)(4));

24 (2) section 7(b) of the Inspector General Act of
25 1978 (5 U.S.C. app.);

1 (3) the Privacy Act of 1974 (5 U.S.C. 552a);

2 (4) the provisions of section 2302(b)(8) of title

3 5 (relating to whistleblower protection);

4 (5) rule 6(e) of the Federal Rules of Criminal

5 Procedure (relating to the protection of grand jury

6 information); or

7 (6) any statute or executive order pertaining to

8 the protection of classified information.

9 (d) NO GRIEVANCE OR RIGHT OF ACTION.—A failure
10 to comply with the amendments made by this section shall
11 not give rise to any private right of action in any court
12 or to an administrative complaint or grievance under any
13 law.

14 (e) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to cases opened on or after the
16 date of the enactment of this Act.

17 **SEC. 340. STUDY OF COMPENSATION FOR SURVIVORS OF**
18 **TERRORIST ATTACKS OVERSEAS.**

19 Not later than 180 days after the date of enactment
20 of this Act, the President shall submit a report to the ap-
21 propriate congressional committees on the benefits and
22 compensation paid to the survivors and personal rep-
23 resentatives of the United States Government employees
24 (including those in the uniformed services and Foreign
25 Service National employees) killed in the performance of

1 duty abroad as result of terrorist acts. All appropriate
2 United States Government agencies shall contribute to the
3 preparation of the report. The report shall include a com-
4 parison of benefits available to military and civilian em-
5 ployees and should include any recommendations for addi-
6 tional or other types of benefits or compensation.

7 **SEC. 341. PRESERVATION OF DIVERSITY IN REORGANIZA-**
8 **TION.**

9 Section 1613(c) of the Foreign Affairs Reform and
10 Restructuring Act of 1998 (as enacted by division G of
11 the Omnibus Consolidated and Emergency Supplemental
12 Appropriations Act, 1999; Public Law 105–277) is
13 amended by inserting after the first sentence the fol-
14 lowing: “In carrying out the reorganization under this Act,
15 the Secretary shall ensure that the advances made in in-
16 creasing the number and status of women and minorities
17 within the foreign affairs agencies of the Federal Govern-
18 ment, in terms of representation within the agencies as
19 well as relative rank, are not undermined by discrimina-
20 tion within the newly reorganized Department of State.”.

1 **TITLE IV—UNITED STATES IN-**
2 **FORMATIONAL, EDU-**
3 **CATIONAL, AND CULTURAL**
4 **PROGRAMS**

5 **Subtitle A—Authorities and**
6 **Activities**

7 **SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND**
8 **SCHOLARSHIPS FOR TIBETANS AND BUR-**
9 **MESE.**

10 (a) DESIGNATION OF NGAWANG CHOEPHEL EX-
11 CHANGE PROGRAMS.—Section 103(a) of the Human
12 Rights, Refugee, and Other Foreign Relations Provisions
13 Act of 1996 (Public Law 104–319) is amended by insert-
14 ing after the first sentence the following: “Exchange pro-
15 grams under this subsection shall be known as the
16 ‘Ngawang Choephel Exchange Programs’.”.

17 (b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—
18 Section 103(b)(1) of the Human Rights, Refugee, and
19 Other Foreign Relations Provisions Act of 1996 (Public
20 Law 104–319; 22 U.S.C. 2151 note) is amended by strik-
21 ing “for the fiscal year 1999” and inserting “for the fiscal
22 year 2000”.

23 (c) SCHOLARSHIPS FOR PRESERVATION OF TIBET’S
24 CULTURE, LANGUAGE, AND RELIGION.—Section 103(b)(1)
25 of the Human Rights, Refugee, and Other Foreign Rela-

1 tions Provisions Act of 1996 (Public Law 104–319; 22
2 U.S.C. 2151 note) is further amended by striking “Tibet,”
3 and inserting “Tibet (whenever practical giving consider-
4 ation to individuals who are active in the preservation of
5 Tibet’s culture, language, and religion),”.

6 **SEC. 402. CONDUCT OF CERTAIN EDUCATIONAL AND CUL-**
7 **TURAL EXCHANGE PROGRAMS.**

8 Section 102 of the Human Rights, Refugee, and
9 Other Foreign Relations Provisions Act of 1996 (Public
10 Law 104–319; 22 U.S.C. 2452 note) is amended to read
11 as follows:

12 **“SEC. 102. CONDUCT OF CERTAIN EDUCATIONAL AND CUL-**
13 **TURAL EXCHANGE PROGRAMS.**

14 “(a) IN GENERAL.—In carrying out programs of edu-
15 cational and cultural exchange in countries whose people
16 do not fully enjoy freedom and democracy, the Secretary
17 of State, with the assistance of the Under Secretary of
18 State for Public Diplomacy, shall provide, where appro-
19 priate, opportunities for significant participation in such
20 programs to nationals of such countries who are—

21 “(1) human rights or democracy leaders of such
22 countries; or

23 “(2) committed to advancing human rights and
24 democratic values in such countries.

1 “(b) GRANTEE ORGANIZATIONS.—To the extent
 2 practicable, grantee organizations selected to operate pro-
 3 grams described in subsection (a) shall be selected through
 4 an open competitive process. Among the factors that
 5 should be considered in the selection of such a grantee
 6 are the willingness and ability of the organization to—

7 “(1) recruit a broad range of participants, in-
 8 cluding those described in paragraphs (1) and (2) of
 9 subsection (a); and

10 “(2) ensure that the governments of the coun-
 11 tries described in subsection (a) do not have inap-
 12 propriate influence in the selection process.”.

13 **SEC. 403. NATIONAL SECURITY MEASURES.**

14 The United States Information and Educational Ex-
 15 change Act of 1948 (22 U.S.C. 1431 et seq.) is amended
 16 by adding after section 1011 the following new section:

17 **“SEC. 1012. NATIONAL SECURITY MEASURES.**

18 “(a) RESTRICTION.—In coordination with other ap-
 19 propriate executive branch officials, the Secretary of State
 20 shall take all appropriate steps to—

21 “(1) prevent any agent of a foreign power from
 22 participating in educational and cultural exchange
 23 programs under this Act;

24 “(2) ensure that no person who is involved in
 25 the research, development, design, testing, evalua-

1 tion, or production of missiles or weapons of mass
2 destruction is a participant in any program of edu-
3 cational or cultural exchange under this Act if such
4 person is employed by, or attached to, an entity
5 within a country that has been identified by any ele-
6 ment of the United States intelligence community
7 (as defined by section 3(4) of the National Security
8 Act of 1947) within the previous 5 years as having
9 been involved in the proliferation of missiles or
10 weapons of mass destruction; and

11 “(3) ensure that no person who is involved in
12 the research, development, design, testing, evalua-
13 tion, or production of chemical or biological weapons
14 for offensive purposes is a participant in any pro-
15 gram of educational or cultural exchange under this
16 Act.

17 “(b) DEFINITIONS.—

18 “(1) The term ‘appropriate executive branch of-
19 ficials’ means officials from the elements of the
20 United States Government listed pursuant to section
21 101 of the Intelligence Authorization Act for Fiscal
22 Year 1999 (Public Law 105–272).

23 “(2) The term ‘agent of a foreign power’ has
24 the same meaning as set forth in section
25 101(b)(1)(B) and (b)(2) of the Foreign Intelligence

1 Surveillance Act of 1978 (50 U.S.C. 1801), and does
 2 not include any person who acts in the capacity de-
 3 fined under section 101(b)(1)(A) of such Act.

4 **SEC. 404. SUNSET OF UNITED STATES ADVISORY COMMIS-**
 5 **SION ON PUBLIC DIPLOMACY.**

6 (a) RESTORATION OF ADVISORY COMMISSION.—Sec-
 7 tion 1334 of the Foreign Affairs Reform and Restruc-
 8 turing Act of 1998 (as enacted in division G of the Omni-
 9 bus Consolidated and Emergency Supplemental Appro-
 10 priations Act, 1999; Public Law 105–277) is amended to
 11 read as follows:

12 **“SEC. 1334. SUNSET OF UNITED STATES ADVISORY COMMIS-**
 13 **SION ON PUBLIC DIPLOMACY.**

14 “The United States Advisory Commission on Public
 15 Diplomacy, established under section 604 of the United
 16 States Information and Educational Exchange Act of
 17 1948 (22 U.S.C. 1469) and section 8 of Reorganization
 18 Plan Numbered 2 of 1977, shall continue to exist and op-
 19 erate under such provisions of law until October 1, 2001.”.

20 (b) RETROACTIVITY OF EFFECTIVE DATE.—The
 21 amendment made by subsection (a) shall take effect as
 22 if included in the enactment of the Foreign Affairs Reform
 23 and Restructuring Act of 1998.

24 (c) REENACTMENT AND REPEAL OF CERTAIN PROVI-
 25 SIONS OF LAW.—

1 (1) REENACTMENT.—The provisions of law re-
2 pealed by section 1334 of the Foreign Affairs Re-
3 form and Restructuring Act of 1998, as in effect be-
4 fore the date of the enactment of this Act, are here-
5 by reenacted into law.

6 (2) REPEAL.—Effective September 30, 2001,
7 section 604 of the United States Information and
8 Educational Exchange Act of 1948 (22 U.S.C.
9 1469) and section 8 of the Reorganization Plan
10 Numbered 2 of 1977 are repealed.

11 (d) CONTINUITY OF ADVISORY COMMISSION.—Not-
12 withstanding any other provision of law, any period of dis-
13 continuity of the United States Advisory Commission on
14 Public Diplomacy shall not affect the appointment or
15 terms of service of members of the commission.

16 (e) REDUCTION IN STAFF AND BUDGET.—Notwith-
17 standing section 604(b) of the United States Information
18 and Educational Exchange Act of 1948, effective on the
19 date of the enactment of this Act, the United States Advi-
20 sory Commission on Public Diplomacy shall have not more
21 than 2 individuals who are compensated staff, and not
22 more than 50 percent of the resources allocated in fiscal
23 year 1999.

1 **SEC. 405. ROYAL ULSTER CONSTABULARY TRAINING.**

2 (a) TRAINING FOR THE ROYAL ULSTER CONSTABU-
3 LARY.—No funds authorized to be appropriated by this
4 or any other Act may be used to support any training or
5 exchange program conducted by the Federal Bureau of In-
6 vestigation or any other Federal law enforcement agency
7 for the Royal Ulster Constabulary (in this section referred
8 to as the “RUC”) or RUC members until the President
9 submits to the appropriate congressional committees the
10 report required by subsection (b) and the certification de-
11 scribed in subsection (c)(1).

12 (b) REPORT ON PAST TRAINING PROGRAMS.—The
13 President shall report on training or exchange programs
14 conducted by the Federal Bureau of Investigation or other
15 Federal law enforcement agencies for the RUC or RUC
16 members during fiscal years 1994 through 1999. Such re-
17 port shall include—

18 (1) the number of training or exchange pro-
19 grams conducted during the period of the report;

20 (2) the number and rank of the RUC members
21 who participated in such training or exchange pro-
22 grams in each fiscal year;

23 (3) the duration and location of such training
24 or exchange programs; and

25 (4) a detailed description of the curriculum of
26 the training or exchange programs.

1 (c) CERTIFICATION REGARDING FUTURE TRAINING
2 ACTIVITIES.—

3 (1) IN GENERAL.—The certification described
4 in this subsection is a certification by the President
5 that—

6 (A) training or exchange programs con-
7 ducted by the Federal Bureau of Investigation
8 or other Federal law enforcement agencies for
9 the RUC or RUC members are necessary to—

10 (i) improve the professionalism of po-
11 licing in Northern Ireland; and

12 (ii) advance the peace process in
13 Northern Ireland;

14 (B) such programs will include in the cur-
15 riculum a significant human rights component;

16 (C) vetting procedures have been estab-
17 lished in the Departments of State and Justice,
18 and any other appropriate Federal agency, to
19 ensure that training or exchange programs do
20 not include RUC members who there are sub-
21 stantial grounds for believing have committed
22 or condoned violations of internationally recog-
23 nized human rights, including any role in the
24 murder of Patrick Finucane or Rosemary Nel-
25 son or other violence or serious threat of vio-

1 lence against defense attorneys in Northern Ire-
2 land; and

3 (D) the governments of the United King-
4 dom and the Republic of Ireland are committed
5 to assisting in the full implementation of the
6 recommendations contained in the Patten Com-
7 mission report issued September 9, 1999.

8 (2) FISCAL YEAR 2001 APPLICATION.—The
9 President shall make an additional certification
10 under paragraph (1) before any Federal law enforce-
11 ment agency conducts training for the RUC or RUC
12 members in fiscal year 2001.

13 (3) APPLICATION TO SUCCESSOR ORGANIZA-
14 TIONS.—The provisions of this subsection shall
15 apply to any successor organization of the RUC.

16 **Subtitle B—Russian and Ukrainian**
17 **Business Management Education**

18 **SEC. 421. PURPOSE.**

19 The purpose of this subtitle is to establish a training
20 program in Russia and Ukraine for nationals of those
21 countries to obtain skills in business administration, ac-
22 counting, and marketing, with special emphasis on in-
23 struction in business ethics and in the basic terminology,
24 techniques, and practices of those disciplines, to achieve

1 international standards of quality, transparency, and com-
2 petitiveness.

3 **SEC. 422. DEFINITIONS.**

4 In this subtitle:

5 (1) **DISTANCE LEARNING.**—The term “distance
6 learning” means training through computers, inter-
7 active videos, teleconferencing, and
8 videoconferencing between and among students and
9 teachers.

10 (2) **ELIGIBLE ENTERPRISE.**—The term “eligible
11 enterprise” means—

12 (A) in the case of Russia—

13 (i) a business concern operating in
14 Russia that employs Russian nationals in
15 Russia; or

16 (ii) a private enterprise that is being
17 formed or operated by former officers of
18 the Russian armed forces in Russia; and

19 (B) in the case of Ukraine—

20 (i) a business concern operating in
21 Ukraine that employs Ukrainian nationals
22 in Ukraine; or

23 (ii) a private enterprise that is being
24 formed or operated by former officers of
25 the Ukrainian armed forces in Ukraine.

1 (3) ELIGIBLE NATIONAL.—The term “eligible
2 national” means the employee of an eligible enter-
3 prise who is employed in the program country.

4 (4) PROGRAM.—The term “program” means
5 the program of technical assistance established
6 under section 423.

7 (5) PROGRAM COUNTRY.—The term “program
8 country” means—

9 (A) Russia in the case of any eligible en-
10 terprise operating in Russia that receives tech-
11 nical assistance under the program; or

12 (B) Ukraine in the case of any eligible en-
13 terprise operating in Ukraine that receives tech-
14 nical assistance under the program.

15 **SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND**
16 **INTERNSHIPS.**

17 (a) TRAINING PROGRAM.—

18 (1) IN GENERAL.—The President is authorized
19 to establish a program of technical assistance to pro-
20 vide the training described in section 421 to eligible
21 enterprises.

22 (2) IMPLEMENTATION.—Training shall be car-
23 ried out by United States nationals having expertise
24 in business administration, accounting, and mar-
25 keting or by eligible nationals who have been trained

1 under the program. Such training may be carried
2 out—

3 (A) in the offices of eligible enterprises, at
4 business schools or institutes, or at other loca-
5 tions in the program country, including facili-
6 ties of the armed forces of the program coun-
7 try, educational institutions, or in the offices of
8 trade or industry associations, with special con-
9 sideration given to locations where similar
10 training opportunities are limited or non-
11 existent; or

12 (B) by “distance learning” programs origi-
13 nating in the United States or in European
14 branches of United States institutions.

15 (b) INTERNSHIPS WITH UNITED STATES DOMESTIC
16 BUSINESS CONCERNS.—Authorized program costs may
17 include the travel expenses and appropriate in-country
18 business English language training, if needed, of eligible
19 nationals who have completed training under the program
20 to undertake short-term internships with business con-
21 cerns in the United States.

22 **SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.**

23 (a) PROCEDURES.—

24 (1) IN GENERAL.—Each eligible enterprise that
25 desires to receive training for its employees and

1 managers under this subtitle shall submit an appli-
2 cation to the clearinghouse under subsection (c), at
3 such time, in such manner, and accompanied by
4 such additional information as may reasonably be re-
5 quired.

6 (2) JOINT APPLICATIONS.—A consortium of eli-
7 gible enterprises may file a joint application under
8 the provisions of paragraph (1).

9 (b) CONTENTS.—An application under subsection (a)
10 may be approved only if the application—

11 (1) is for an individual or individuals employed
12 in an eligible enterprise or enterprises applying
13 under the program;

14 (2) describes the level of training for which as-
15 sistance under this subtitle is sought;

16 (3) provides evidence that the eligible enterprise
17 meets the general policies adopted for the adminis-
18 tration of this subtitle;

19 (4) provides assurances that the eligible enter-
20 prise will pay a share of the costs of the training,
21 which share may include in-kind contributions; and

22 (5) provides such additional assurances as are
23 determined to be essential to ensure compliance with
24 the requirements of this subtitle.

1 (c) CLEARINGHOUSE.—A clearinghouse shall be es-
2 tablished or designated in each program country to man-
3 age and execute the program in that country. The clear-
4 inghouse shall screen applications, provide information re-
5 garding training and teachers, monitor performance of the
6 program, and coordinate appropriate post-program follow-
7 on activities.

8 **SEC. 425. RESTRICTIONS NOT APPLICABLE.**

9 Prohibitions on the use of foreign assistance funds
10 for assistance for the Russian Federation or for Ukraine
11 shall not apply with respect to the funds made available
12 to carry out this subtitle.

13 **SEC. 426. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated \$10,000,000 for the fiscal year 2000 and
16 \$10,000,000 for the fiscal year 2001 to carry out this sub-
17 title.

18 (b) AVAILABILITY OF FUNDS.—Amounts appro-
19 priated under subsection (a) are authorized to remain
20 available until expended.

1 **TITLE V—UNITED STATES**
2 **INTERNATIONAL BROAD-**
3 **CASTING ACTIVITIES**

4 **SEC. 501. REAUTHORIZATION OF RADIO FREE ASIA.**

5 Section 309 of the United States International
6 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

7 (1) by striking subsection (c);

8 (2) by redesignating subsections (d), (e), (f),
9 (g), (h), and (i) as subsections (c), (d), (e), (f), (g),
10 and (h), respectively;

11 (3) in subsection (c) (as redesignated by para-
12 graph (2))—

13 (A) in paragraph (1)—

14 (i) by striking “(A)”; and

15 (ii) by striking subparagraph (B);

16 (B) in paragraph (2), by striking “Sep-
17 tember 30, 1999” and inserting “September 30,
18 2009”;

19 (C) in paragraph (4), by striking
20 “\$22,000,000 in any fiscal year” and inserting
21 “\$30,000,000 in each of the fiscal years 2000
22 and 2001”;

23 (D) by striking paragraph (5); and

24 (E) by redesignating paragraph (6) as
25 paragraph (5); and

1 (4) by amending subsection (f) (as redesignated
2 by paragraph (2)) to read as follows:

3 “(f) SUNSET PROVISION.—The Board may not make
4 any grant for the purpose of operating Radio Free Asia
5 after September 30, 2009.”.

6 **SEC. 502. NOMINATION REQUIREMENTS FOR THE CHAIR-**
7 **MAN OF THE BROADCASTING BOARD OF GOV-**
8 **ERNORS.**

9 Section 304(b)(2) of the Foreign Relations Author-
10 ization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6203
11 (b)(2)), is amended—

12 (1) by striking “designate” and inserting “ap-
13 point”; and

14 (2) by adding at the end the following: “, sub-
15 ject to the advice and consent of the Senate”.

16 **SEC. 503. PRESERVATION OF RFE/RL (RADIO FREE EUROPE/**
17 **RADIO LIBERTY).**

18 Section 312 of the United States International
19 Broadcasting Act of 1994 (22 U.S.C. 6211) is amended
20 to read as follows:

21 **“SEC. 312. THE CONTINUING MISSION OF RADIO FREE EU-**
22 **ROPE AND RADIO LIBERTY BROADCASTS.**

23 “It is the sense of Congress that Radio Free Europe
24 and Radio Liberty should continue to broadcast to the

1 peoples of Central Europe, Eurasia, and the Persian Gulf
2 until such time as—

3 “(1) a particular nation has clearly dem-
4 onstrated the successful establishment and consoli-
5 dation of democratic rule; and

6 “(2) its domestic media which provide balanced,
7 accurate, and comprehensive news and information,
8 is firmly established and widely accessible to the na-
9 tional audience, thus making redundant broadcasts
10 by Radio Free Europe or Radio Liberty.

11 “At such time as a particular nation meets both of these
12 conditions, RFE/RL should phase out broadcasting to
13 that nation.”.

14 **SEC. 504. IMMUNITY FROM CIVIL LIABILITY FOR BROAD-**
15 **CASTING BOARD OF GOVERNORS.**

16 Section 304 of the United States International
17 Broadcasting Act of 1994 (22 U.S.C. 6203) is amended
18 by adding at the end the following subsection:

19 “(g) IMMUNITY FROM CIVIL LIABILITY.—Notwith-
20 standing any other provision of law, any and all limitations
21 on liability that apply to the members of the Broadcasting
22 Board of Governors also shall apply to such members
23 when acting in their capacities as members of the boards
24 of directors of RFE/RL, Incorporated and Radio Free
25 Asia.”.

1 **TITLE VI—EMBASSY SECURITY**
2 **AND COUNTERTERRORISM**
3 **MEASURES**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Secure Embassy Con-
6 struction and Counterterrorism Act of 1999”.

7 **SEC. 602. FINDINGS.**

8 Congress makes the following findings:

9 (1) On August 7, 1998, the United States em-
10 bassies in Nairobi, Kenya, and in Dar es Salaam,
11 Tanzania, were destroyed by simultaneously explod-
12 ing bombs. The resulting explosions killed 220 per-
13 sons and injured more than 4,000 others. Twelve
14 Americans and 40 Kenyan and Tanzanian employees
15 of the United States Foreign Service were killed in
16 the attack.

17 (2) The United States personnel in both Dar es
18 Salaam and Nairobi showed leadership and personal
19 courage in their response to the attacks. Despite the
20 havoc wreaked upon the embassies, staff in both em-
21 bassies provided rapid response in locating and res-
22 cuing victims, providing emergency assistance, and
23 quickly restoring embassy operations during a crisis.

24 (3) The bombs are believed to have been set by
25 individuals associated with Osama bin Laden, leader

1 of a known transnational terrorist organization. In
2 February 1998, bin Laden issued a directive to his
3 followers that called for attacks against United
4 States interests anywhere in the world.

5 (4) Threats continue to be made against United
6 States diplomatic facilities.

7 (5) Accountability Review Boards were con-
8 vened following the bombings, as required by Public
9 Law 99–399, chaired by Admiral William J. Crowe,
10 United States Navy (Ret.) (in this section referred
11 to as the “Crowe panels”).

12 (6) The conclusions of the Crowe panels were
13 strikingly similar to those stated by the Commission
14 chaired by Admiral Bobby Ray Inman, which issued
15 an extensive embassy security report in 1985.

16 (7) The Crowe panels issued a report setting
17 out many problems with security at United States
18 diplomatic facilities, in particular the following:

19 (A) The United States Government has de-
20 voted inadequate resources to security against
21 terrorist attacks.

22 (B) The United States Government places
23 too low a priority on security concerns.

1 (8) The result has been a failure to take ade-
2 quate steps to prevent tragedies such as the bomb-
3 ings in Kenya and Tanzania.

4 (9) The Crowe panels found that there was an
5 institutional failure on the part of the Department
6 of State to recognize threats posed by transnational
7 terrorism and vehicular bombs.

8 (10) Responsibility for ensuring adequate re-
9 sources for security programs is widely shared
10 throughout the United States Government, including
11 Congress. Unless the vulnerabilities identified by the
12 Crowe panels are addressed in a sustained and fi-
13 nancially realistic manner, the lives and safety of
14 United States employees in diplomatic facilities will
15 continue to be at risk from further terrorist attacks.

16 (11) Although service in the Foreign Service or
17 other United States Government positions abroad
18 can never be completely without risk, the United
19 States Government must take all reasonable steps to
20 minimize security risks.

21 **SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.**

22 In this title, the terms ‘United States diplomatic fa-
23 cility’ and ‘diplomatic facility’ mean any chancery, con-
24 sulate, or other office notified to the host government as
25 diplomatic or consular premises in accordance with the Vi-

1 enna Conventions on Diplomatic and Consular Relations,
2 or otherwise subject to a publicly available bilateral agree-
3 ment with the host government (contained in the records
4 of the United States Department of State) that recognizes
5 the official status of the United States Government per-
6 sonnel present at the facility.

7 **SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
9 tion to amounts otherwise authorized to be appropriated
10 by this or any other Act, there are authorized to be appro-
11 priated for “Embassy Security, Construction and
12 Maintenance”—

13 (1) for fiscal year 2000, \$900,000,000;

14 (2) for fiscal year 2001, \$900,000,000;

15 (3) for fiscal year 2002, \$900,000,000;

16 (4) for fiscal year 2003, \$900,000,000; and

17 (5) for fiscal year 2004, \$900,000,000.

18 (b) PURPOSES.—Funds made available under the
19 “Embassy Security, Construction, and Maintenance” ac-
20 count may be used only for the purposes of—

21 (1) the acquisition of United States diplomatic
22 facilities and, if necessary, any residences or other
23 structures located in close physical proximity to such
24 facilities, or

1 (2) the provision of major security enhance-
2 ments to United States diplomatic facilities,
3 to the extent necessary to bring the United States Govern-
4 ment into compliance with all requirements applicable to
5 the security of United States diplomatic facilities, includ-
6 ing the relevant requirements set forth in section 606.

7 (c) AVAILABILITY OF AUTHORIZATIONS.—Authoriza-
8 tions of appropriations under subsection (a) shall remain
9 available until the appropriations are made.

10 (d) AVAILABILITY OF FUNDS.—Amounts appro-
11 priated pursuant to subsection (a) are authorized to re-
12 main available until expended.

13 **SEC. 605. OBLIGATIONS AND EXPENDITURES.**

14 (a) REPORT AND PRIORITY OF OBLIGATIONS.—

15 (1) REPORT.—Not later than February 1 of the
16 year 2000 and each of the four subsequent years,
17 the Secretary of State shall submit a classified re-
18 port to the appropriate congressional committees
19 identifying each diplomatic facility or each diplo-
20 matic or consular post composed of such facilities
21 that is a priority for replacement or for any major
22 security enhancement because of its vulnerability to
23 terrorist attack (by reason of the terrorist threat
24 and the current condition of the facility). The report
25 shall list such facilities in groups of 20. The groups

1 shall be ranked in order from most vulnerable to
2 least vulnerable to such an attack.

3 (2) PRIORITY ON USE OF FUNDS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), funds authorized to be ap-
6 propriated by section 604 for a particular
7 project may be used only for those facilities
8 which are listed in the first four groups de-
9 scribed in paragraph (1).

10 (B) EXCEPTION.—Funds authorized to be
11 made available by section 604 may only be used
12 for facilities which are not in the first 4 groups
13 described in paragraph (1), if the Congress au-
14 thorizes or appropriates funds for such a diplo-
15 matic facility or the Secretary of State notifies
16 the appropriate congressional committees that
17 such funds will be used for a facility in accord-
18 ance with the procedures applicable to a re-
19 programming of funds under section 34(a) of
20 the State Department Basic Authorities Act of
21 1956 (22 U.S.C. 2706(a)).

22 (b) PROHIBITION ON TRANSFER OF FUNDS.—None
23 of the funds authorized to be appropriated by section 604
24 may be transferred to any other account.

1 (c) SEMIANNUAL REPORTS ON ACQUISITION AND
2 MAJOR SECURITY UPGRADES.—On June 1 and December
3 1 of each year, the Secretary of State shall submit a report
4 to the appropriate congressional committees on the em-
5 bassy construction and security program authorized under
6 this title. The report shall include—

7 (1) obligations and expenditures—

8 (A) during the previous two fiscal quarters;

9 and

10 (B) since the enactment of this Act;

11 (2) projected obligations and expenditures for
12 the fiscal year in which the report is submitted and
13 how these obligations and expenditures will improve
14 security conditions of specific diplomatic facilities;
15 and

16 (3) the status of ongoing acquisition and major
17 security enhancement projects, including any signifi-
18 cant changes in—

19 (A) the budgetary requirements for such
20 projects;

21 (B) the schedule of such projects; and

22 (C) the scope of the projects.

1 **SEC. 606. SECURITY REQUIREMENTS FOR UNITED STATES**

2 **DIPLOMATIC FACILITIES.**

3 (a) IN GENERAL.—The following security require-
4 ments shall apply with respect to United States diplomatic
5 facilities and specified personnel:

6 (1) THREAT ASSESSMENT.—

7 (A) EMERGENCY ACTION PLAN.—The
8 Emergency Action Plan (EAP) of each United
9 States mission shall address the threat of large
10 explosive attacks from vehicles and the safety of
11 employees during such an explosive attack.
12 Such plan shall be reviewed and updated annu-
13 ally.

14 (B) SECURITY ENVIRONMENT THREAT
15 LIST.—The Security Environment Threat List
16 shall contain a section that addresses potential
17 acts of international terrorism against United
18 States diplomatic facilities based on threat
19 identification criteria that emphasize the threat
20 of transnational terrorism and include the local
21 security environment, host government support,
22 and other relevant factors such as cultural re-
23 alities. Such plan shall be reviewed and updated
24 every six months.

25 (2) SITE SELECTION.—

1 (A) IN GENERAL.—In selecting a site for
2 any new United States diplomatic facility
3 abroad, the Secretary shall ensure that all
4 United States Government personnel at the
5 post (except those under the command of an
6 area military commander) will be located on the
7 site.

8 (B) WAIVER AUTHORITY.—

9 (i) IN GENERAL.—Subject to clause
10 (ii), the Secretary of State may waive sub-
11 paragraph (A) if the Secretary, together
12 with the head of each agency employing
13 personnel that would not be located at the
14 site, determine that security considerations
15 permit and it is in the national interest of
16 the United States.

17 (ii) CHANCERY OR CONSULATE BUILD-
18 ING.—

19 (I) AUTHORITY NOT DELE-
20 GABLE.—The Secretary may not dele-
21 gate the waiver authority under clause
22 (i) with respect to a chancery or con-
23 sulate building.

24 (II) CONGRESSIONAL NOTIFICA-
25 TION.—Not less than 15 days prior to

1 implementing the waiver authority
2 under clause (i) with respect to a
3 chancery or consulate building, the
4 Secretary shall notify the appropriate
5 congressional committees in writing of
6 the waiver and the reasons for the de-
7 termination.

8 (iii) REPORT TO CONGRESS.—The
9 Secretary shall submit to the appropriate
10 congressional committees an annual report
11 of all waivers under this subparagraph.

12 (3) PERIMETER DISTANCE.—

13 (A) REQUIREMENT.—Each newly acquired
14 United States diplomatic facility shall be sited
15 not less than 100 feet from the perimeter of the
16 property on which the facility is to be situated.

17 (B) WAIVER AUTHORITY.—

18 (i) IN GENERAL.—Subject to clause
19 (ii), the Secretary of State may waive sub-
20 paragraph (A) if the Secretary determines
21 that security considerations permit and it
22 is in the national interest of the United
23 States.

24 (ii) CHANCERY OR CONSULATE BUILD-
25 ING.—

1 (I) AUTHORITY NOT DELE-
2 GABLE.—The Secretary may not dele-
3 gate the waiver authority under clause
4 (i) with respect to a chancery or con-
5 sulate building.

6 (II) CONGRESSIONAL NOTIFICA-
7 TION.—Not less than 15 days prior to
8 implementing the waiver authority
9 under subparagraph (A) with respect
10 to a chancery or consulate building,
11 the Secretary shall notify the appro-
12 priate congressional committees in
13 writing of the waiver and the reasons
14 for the determination.

15 (iii) REPORT TO CONGRESS.—The
16 Secretary shall submit to the appropriate
17 congressional committees an annual report
18 of all waivers under this subparagraph.

19 (4) CRISIS MANAGEMENT TRAINING.—

20 (A) TRAINING OF HEADQUARTERS
21 STAFF.—The appropriate personnel of the De-
22 partment of State headquarters staff shall un-
23 dertake crisis management training for mass
24 casualty and mass destruction incidents relating
25 to diplomatic facilities for the purpose of bring-

1 ing about a rapid response to such incidents
2 from Department of State headquarters in
3 Washington, D.C.

4 (B) TRAINING OF PERSONNEL ABROAD.—

5 A program of appropriate instruction in crisis
6 management shall be provided to personnel at
7 United States diplomatic facilities abroad at
8 least on an annual basis.

9 (5) DIPLOMATIC SECURITY TRAINING.—Not

10 later than six months after the date of the enact-
11 ment of this Act, the Secretary of State shall—

12 (A) develop annual physical fitness stand-
13 ards for all diplomatic security agents to ensure
14 that the agents are prepared to carry out all of
15 their official responsibilities; and

16 (B) provide for an independent evaluation
17 by an outside entity of the overall adequacy of
18 current new agent, in-service, and management
19 training programs to prepare agents to carry
20 out the full scope of diplomatic security respon-
21 sibilities, including preventing attacks on
22 United States personnel and facilities.

23 (6) STATE DEPARTMENT SUPPORT.—

24 (A) FOREIGN EMERGENCY SUPPORT
25 TEAM.—The Foreign Emergency Support Team

1 (FEST) of the Department of State shall re-
2 ceive sufficient support from the Department,
3 including—

4 (i) conducting routine training exer-
5 cises of the FEST;

6 (ii) providing personnel identified to
7 serve on the FEST as a collateral duty;

8 (iii) providing personnel to assist in
9 activities such as security, medical relief,
10 public affairs, engineering, and building
11 safety; and

12 (iv) providing such additional support
13 as may be necessary to enable the FEST
14 to provide support in a post-crisis environ-
15 ment involving mass casualties and phys-
16 ical damage.

17 (B) FEST AIRCRAFT.—

18 (i) REPLACEMENT AIRCRAFT.—The
19 President shall develop a plan to replace
20 on a priority basis the current FEST air-
21 craft funded by the Department of Defense
22 with a dedicated, capable, and reliable re-
23 placement aircraft and backup aircraft to
24 be operated and maintained by the Depart-
25 ment of Defense.

1 (ii) REPORT.—Not later than 60 days
2 after the date of enactment of this Act, the
3 President shall submit a report to the ap-
4 propriate congressional committees describ-
5 ing the aircraft selected pursuant to clause
6 (i) and the arrangements for the funding,
7 operation, and maintenance of such air-
8 craft.

9 (iii) AUTHORITY TO LEASE AIRCRAFT
10 TO RESPOND TO A TERRORIST ATTACK
11 ABROAD.—Subject to the availability of ap-
12 propriations, when the Attorney General of
13 the Department of Justice exercises the
14 Attorney General’s authority to lease com-
15 mercial aircraft to transport equipment
16 and personnel in response to a terrorist at-
17 tack abroad if there have been reasonable
18 efforts to obtain appropriate Department
19 of Defense aircraft and such aircraft are
20 unavailable, the Attorney General shall
21 have the authority to obtain indemnifica-
22 tion insurance or guarantees if necessary
23 and appropriate.

24 (7) RAPID RESPONSE PROCEDURES.—The Sec-
25 retary of State shall enter into a memorandum of

1 understanding with the Secretary of Defense setting
2 out rapid response procedures for mobilization of
3 personnel and equipment of their respective depart-
4 ments to provide more effective assistance in times
5 of emergency with respect to United States diplo-
6 matic facilities.

7 (8) STORAGE OF EMERGENCY EQUIPMENT AND
8 RECORDS.—All United States diplomatic facilities
9 shall have emergency equipment and records re-
10 quired in case of an emergency situation stored at
11 an off-site facility.

12 (b) STATUTORY CONSTRUCTION.—Nothing in this
13 section alters or amends existing security requirements
14 not addressed by this section.

15 **SEC. 607. REPORT ON OVERSEAS PRESENCE.**

16 (a) REVIEW.—The Secretary of State shall review the
17 findings of the Overseas Presence Advisory Panel of the
18 Department of State.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than 120 days
21 after submission of the Overseas Presence Advisory
22 Panel Report, the Secretary of State shall submit a
23 report to the appropriate congressional committees
24 setting forth the results of the review conducted
25 under subsection (a).

1 (2) ELEMENTS OF THE REPORT.—To the ex-
2 tent not addressed by the review described in sub-
3 section (a), the report shall also—

4 (A) specify whether any United States dip-
5 lomatic facility should be closed because—

6 (i) the facility is highly vulnerable and
7 subject to threat of terrorist attack; and

8 (ii) adequate security enhancements
9 cannot be provided to the facility;

10 (B) in the event that closure of a diplo-
11 matic facility is required, identify plans to pro-
12 vide secure premises for permanent use by the
13 United States diplomatic mission, whether in
14 country or in a regional United States diplo-
15 matic facility, or for temporary occupancy by
16 the mission in a facility pending acquisition of
17 new buildings;

18 (C) outline the potential for reduction or
19 transfer of personnel or closure of missions if
20 technology is adequately exploited for maximum
21 efficiencies;

22 (D) examine the possibility of creating re-
23 gional missions in certain parts of the world;

24 (E) in the case of diplomatic facilities that
25 are part of the Special Embassy Program, re-

1 port on the foreign policy objectives served by
2 retaining such missions, balancing the impor-
3 tance of these objectives against the well-being
4 of United States personnel; and

5 (F) examine the feasibility of opening new
6 regional outreach centers, modeled on the sys-
7 tem used by the United States Embassy in
8 Paris, France, with each center designed to
9 operate—

10 (i) at no additional cost to the United
11 States Government;

12 (ii) with staff consisting of one or two
13 Foreign Service officers currently assigned
14 to the United States diplomatic mission in
15 the country in which the center is located;
16 and

17 (iii) in a region of the country with
18 high gross domestic product (GDP), a high
19 density population, and a media market
20 that not only includes but extends beyond
21 the region.

22 **SEC. 608. ACCOUNTABILITY REVIEW BOARDS.**

23 Section 301 of the Omnibus Diplomatic Security and
24 Antiterrorism Act of 1986 (22 U.S.C. 4831) is amended
25 to read as follows:

1 **“SEC. 301. ACCOUNTABILITY REVIEW BOARDS.**

2 “(a) IN GENERAL.—

3 “(1) CONVENING A BOARD.—Except as pro-
4 vided in paragraph (2), in any case of serious injury,
5 loss of life, or significant destruction of property at,
6 or related to, a United States Government mission
7 abroad, and in any case of a serious breach of secu-
8 rity involving intelligence activities of a foreign gov-
9 ernment directed at a United States Government
10 mission abroad, which is covered by the provisions of
11 titles I through IV (other than a facility or installa-
12 tion subject to the control of a United States area
13 military commander), the Secretary of State shall
14 convene an Accountability Review Board (in this
15 title referred to as the ‘Board’). The Secretary shall
16 not convene a Board where the Secretary determines
17 that a case clearly involves only causes unrelated to
18 security.

19 “(2) DEPARTMENT OF DEFENSE FACILITIES
20 AND PERSONNEL.—The Secretary of State is not re-
21 quired to convene a Board in the case of an incident
22 described in paragraph (1) that involves any facility,
23 installation, or personnel of the Department of De-
24 fense with respect to which the Secretary has dele-
25 gated operational control of overseas security func-
26 tions to the Secretary of Defense pursuant to section

1 106 of this Act. In any such case, the Secretary of
2 Defense shall conduct an appropriate inquiry. The
3 Secretary of Defense shall report the findings and
4 recommendations of such inquiry, and the action
5 taken with respect to such recommendations, to the
6 Secretary of State and Congress.

7 “(b) DEADLINES FOR CONVENING BOARDS.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the Secretary of State shall convene a
10 Board not later than 60 days after the occurrence
11 of an incident described in subsection (a)(1), except
12 that such 60-day period may be extended for one ad-
13 ditional 60-day period if the Secretary determines
14 that the additional period is necessary for the con-
15 vening of the Board.

16 “(2) DELAY IN CASES INVOLVING INTEL-
17 LIGENCE ACTIVITIES.— With respect to breaches of
18 security involving intelligence activities, the Sec-
19 retary of State may delay the establishment of a
20 Board if, after consultation with the chairman of the
21 Select Committee on Intelligence of the Senate and
22 the chairman of the Permanent Select Committee on
23 Intelligence of the House of Representatives, the
24 Secretary determines that the establishment of a
25 Board would compromise intelligence sources or

1 methods. The Secretary shall promptly advise the
2 chairmen of such committees of each determination
3 pursuant to this paragraph to delay the establish-
4 ment of a Board.

5 “(c) NOTIFICATION TO CONGRESS.—Whenever the
6 Secretary of State convenes a Board, the Secretary shall
7 promptly inform the chairman of the Committee on For-
8 eign Relations of the Senate and the Speaker of the House
9 of Representatives—

10 “(1) that a Board has been convened;

11 “(2) of the membership of the Board; and

12 “(3) of other appropriate information about the
13 Board.”.

14 **SEC. 609. INCREASED ANTI-TERRORISM TRAINING IN AFRI-**
15 **CA.**

16 Not later than six months after the date of the enact-
17 ment of this Act, the Secretary of State, in consultation
18 with the Secretary of the Treasury and the Attorney Gen-
19 eral, shall submit a report to the appropriate congressional
20 committees on a proposed operational plan and site selec-
21 tion to expeditiously establish an International Law En-
22 forcement Academy (ILEA) on the continent of Africa in
23 order to increase training and cooperation on the con-
24 tinent in anti-terrorism and transnational crime fighting.

1 **TITLE VII—INTERNATIONAL OR-**
2 **GANIZATIONS AND COMMIS-**
3 **SIONS**

4 **Subtitle A—International Organi-**
5 **zations Other than the United**
6 **Nations**

7 **SEC. 701. CONFORMING AMENDMENTS TO REFLECT REDES-**
8 **IGNATION OF CERTAIN INTERPARLIAMEN-**
9 **TARY GROUPS.**

10 (a) TRANSATLANTIC LEGISLATORS' DIALOGUE.—
11 Section 109(c) of the Department of State Authorization
12 Act, Fiscal Years 1984 and 1985 (22 U.S.C. 276 note)
13 is amended by striking “United States-European Commu-
14 nity Interparliamentary Group” and inserting “Trans-
15 atlantic Legislators’ Dialogue (United States-European
16 Union Interparliamentary Group)”.

17 (b) NATO PARLIAMENTARY ASSEMBLY—

18 (1) IN GENERAL.—The joint resolution entitled
19 “Joint Resolution to authorize participation by the
20 United States in parliamentary conferences of the
21 North Atlantic Treaty Organization”, approved July
22 11, 1956 (22 U.S.C. 1928a et seq.), is amended in
23 sections 2, 3, and 4 (22 U.S.C. 1928b, 1928c, and
24 1928d, respectively) by striking “North Atlantic As-

1 sembly” each place it appears and inserting “NATO
2 Parliamentary Assembly”.

3 (2) CONFORMING AMENDMENT.—Section
4 105(b) of the Legislative Branch Appropriation Act,
5 1961 (22 U.S.C. 276c–1) is amended by striking
6 “North Atlantic Assembly” and inserting “NATO
7 Parliamentary Assembly”.

8 (3) REFERENCES.—In the case of any provision
9 of law having application on or after May 31, 1999
10 (other than a provision of law specified in subpara-
11 graphs (A) or (B)), any reference contained in that
12 provision to the North Atlantic Assembly shall, on
13 and after that date, be considered to be a reference
14 to the NATO Parliamentary Assembly.

15 **SEC. 702. AUTHORITY OF THE INTERNATIONAL BOUNDARY**
16 **AND WATER COMMISSION TO ASSIST STATE**
17 **AND LOCAL GOVERNMENTS.**

18 (a) AUTHORITY.—The Commissioner of the United
19 States section of the International Boundary and Water
20 Commission may provide technical tests, evaluations, in-
21 formation, surveys, or others similar services to State or
22 local governments upon the request of such State or local
23 government on a reimbursable basis.

24 (b) REIMBURSEMENTS.—Reimbursements shall be
25 paid in advance of the goods or services ordered and shall

1 be for the estimated or actual cost as determined by the
 2 United States section of the International Boundary and
 3 Water Commission. Proper adjustment of amounts paid
 4 in advance shall be made as determined by the United
 5 States section of the International Boundary and Water
 6 Commission on the basis of the actual cost of goods or
 7 services provided. Reimbursements received by the United
 8 States section of the International Boundary and Water
 9 Commission for providing services under this section shall
 10 be credited to the appropriation from which the cost of
 11 providing the services is charged.

12 **SEC. 703. INTERNATIONAL BOUNDARY AND WATER COM-**
 13 **MISSION.**

14 Section 2(b) of the American-Mexican Chamizal Con-
 15 vention Act of 1964 (Public Law 88–300; 22 U.S.C.
 16 277d–18(b)) is amended by inserting “operations, mainte-
 17 nance, and” after “cost of”.

18 **SEC. 704. SEMIANNUAL REPORTS ON UNITED STATES SUP-**
 19 **PORT FOR MEMBERSHIP OR PARTICIPATION**
 20 **OF TAIWAN IN INTERNATIONAL ORGANIZA-**
 21 **TIONS.**

22 (a) **REPORTS REQUIRED.**—Not later than 60 days
 23 after the date of enactment of this Act, and every 6
 24 months thereafter for fiscal years 2000 and 2001, the Sec-
 25 retary of State shall submit to Congress a report in a clas-

1 sified and unclassified manner on the status of efforts by
2 the United States Government to support—

3 (1) the membership of Taiwan in international
4 organizations that do not require statehood as a pre-
5 requisite to such membership; and

6 (2) the appropriate level of participation by
7 Taiwan in international organizations that may re-
8 quire statehood as a prerequisite to full membership.

9 (b) REPORT ELEMENTS.—Each report under sub-
10 section (a) shall—

11 (1) set forth a comprehensive list of the inter-
12 national organizations in which the United States
13 Government supports the membership or participa-
14 tion of Taiwan;

15 (2) describe in detail the efforts of the United
16 States Government to achieve the membership or
17 participation of Taiwan in each organization listed;
18 and

19 (3) identify the obstacles to the membership or
20 participation of Taiwan in each organization listed,
21 including a list of any governments that do not sup-
22 port the membership or participation of Taiwan in
23 each such organization.

1 **SEC. 705. RESTRICTION RELATING TO UNITED STATES AC-**
2 **CESSION TO THE INTERNATIONAL CRIMINAL**
3 **COURT.**

4 (a) PROHIBITION.—The United States shall not be-
5 come a party to the International Criminal Court except
6 pursuant to a treaty made under Article II, section 2,
7 clause 2 of the Constitution of the United States on or
8 after the date of enactment of this Act.

9 (b) PROHIBITION.—None of the funds authorized to
10 be appropriated by this or any other Act may be obligated
11 for use by, or for support of, the International Criminal
12 Court unless the United States has become a party to the
13 Court pursuant to a treaty made under Article II, section
14 2, clause 2 of the Constitution of the United States on
15 or after the date of enactment of this Act.

16 (c) INTERNATIONAL CRIMINAL COURT DEFINED.—
17 In this section, the term “International Criminal Court”
18 means the court established by the Rome Statute of the
19 International Criminal Court, adopted by the United Na-
20 tions Diplomatic Conference of Plenipotentiaries on the
21 Establishment of an International Criminal Court on July
22 17, 1998.

1 **SEC. 706. PROHIBITION ON EXTRADITION OR TRANSFER OF**
2 **UNITED STATES CITIZENS TO THE INTER-**
3 **NATIONAL CRIMINAL COURT.**

4 (a) PROHIBITION ON EXTRADITION.—None of the
5 funds authorized to be appropriated or otherwise made
6 available by this or any other Act may be used to extradite
7 a United States citizen to a foreign country that is under
8 an obligation to surrender persons to the International
9 Criminal Court unless that foreign country confirms to the
10 United States that applicable prohibitions on reextradition
11 apply to such surrender or gives other satisfactory assur-
12 ances to the United States that the country will not extra-
13 dite or otherwise transfer that citizen to the International
14 Criminal Court.

15 (b) PROHIBITION ON CONSENT TO EXTRADITION BY
16 THIRD COUNTRIES.—None of the funds authorized to be
17 appropriated or otherwise made available by this or any
18 other Act may be used to provide consent to the extra-
19 dition or transfer of a United States citizen by a foreign
20 country to a third country that is under an obligation to
21 surrender persons to the International Criminal Court,
22 unless the third country confirms to the United States
23 that applicable prohibitions on reextradition apply to such
24 surrender or gives other satisfactory assurances to the
25 United States that the third country will not extradite or

1 otherwise transfer that citizen to the International Crimi-
2 nal Court.

3 (c) DEFINITION.—In this section, the term “Inter-
4 national Criminal Court” has the meaning given the term
5 in section 705(c) of this Act.

6 **SEC. 707. REQUIREMENT FOR REPORTS REGARDING FOR-**
7 **EIGN TRAVEL.**

8 Section 2505 of the Foreign Affairs Reform and Re-
9 structuring Act of 1998 (as contained in division G of
10 Public Law 105–277) is amended—

11 (1) in subsection (a), by striking “by this divi-
12 sion for fiscal year 1999” and inserting “for the De-
13 partment of State for fiscal year 2000 or 2001”;
14 and

15 (2) in subsection (d), by striking “not later
16 than April 1, 1999,” and inserting “on January 31
17 of the years 2000 and 2001 and July 31 of the
18 years 2000 and 2001,”.

19 **SEC. 708. UNITED STATES REPRESENTATION AT THE**
20 **INTERNATIONAL ATOMIC ENERGY AGENCY.**

21 (a) AMENDMENT TO THE UNITED NATIONS PARTICI-
22 PATION ACT OF 1945.—Section 2(h) of the United Na-
23 tions Participation Act of 1945 (22 U.S.C. 287(h)) is
24 amended by adding at the end the following new sentence:
25 “The representative of the United States to the Vienna

1 office of the United Nations shall also serve as representa-
 2 tive of the United States to the International Atomic En-
 3 ergy Agency.”.

4 (b) AMENDMENT TO THE IAEA PARTICIPATION ACT
 5 OF 1957.—Section 2(a) of the International Atomic En-
 6 ergy Agency Participation Act of 1957 (22 U.S.C.
 7 2021(a)) is amended by adding at the end the following
 8 new sentence: “The Representative of the United States
 9 to the Vienna office of the United Nations shall also serve
 10 as representative of the United States to the Agency.”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 subsections (a) and (b) shall apply to individuals ap-
 13 pointed on or after the date of enactment of this Act.

14 **Subtitle B—United Nations** 15 **Activities**

16 **SEC. 721. UNITED NATIONS POLICY ON ISRAEL AND THE** 17 **PALESTINIANS.**

18 (a) CONGRESSIONAL STATEMENT.—It shall be the
 19 policy of the United States to promote an end to the per-
 20 sistent inequity experienced by Israel in the United Na-
 21 tions whereby Israel is the only longstanding member of
 22 the organization to be denied acceptance into any of the
 23 United Nations regional blocs.

24 (b) POLICY ON ABOLITION OF CERTAIN UNITED NA-
 25 TIONS GROUPS.—It shall be the policy of the United

1 States to seek the abolition of certain United Nations
2 groups the existence of which is inimical to the ongoing
3 Middle East peace process, those groups being the Special
4 Committee to Investigate Israeli Practices Affecting the
5 Human Rights of the Palestinian People and other Arabs
6 of the Occupied Territories; the Committee on the Exer-
7 cise of the Inalienable Rights of the Palestinian People;
8 the Division for the Palestinian Rights; and the Division
9 on Public Information on the Question of Palestine.

10 (c) ANNUAL REPORTS.—On January 15 of each year,
11 the Secretary of State shall submit a report to the appro-
12 priate congressional committees (in classified or unclassi-
13 fied form as appropriate) on—

14 (1) actions taken by representatives of the
15 United States to encourage the nations of the West-
16 ern Europe and Others Group (WEOG) to accept
17 Israel into their regional bloc;

18 (2) other measures being undertaken, and
19 which will be undertaken, to ensure and promote
20 Israel's full and equal participation in the United
21 Nations; and

22 (3) steps taken by the United States under sub-
23 section (b) to secure abolition by the United Nations
24 of groups described in that subsection.

1 (d) ANNUAL CONSULTATION.—At the time of the
 2 submission of each annual report under subsection (c), the
 3 Secretary of State shall consult with the appropriate con-
 4 gressional committees on specific responses received by the
 5 Secretary of State from each of the nations of the Western
 6 Europe and Others Group (WEOG) on their position con-
 7 cerning Israel’s acceptance into their organization.

8 **SEC. 722. DATA ON COSTS INCURRED IN SUPPORT OF**
 9 **UNITED NATIONS PEACEKEEPING OPER-**
 10 **ATIONS.**

11 Chapter 6 of part II of the Foreign Assistance Act
 12 of 1961 (22 U.S.C. 2348 et seq.) is amended by adding
 13 at the end the following:

14 **“SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF**
 15 **UNITED NATIONS PEACEKEEPING OPER-**
 16 **ATIONS.**

17 “(a) UNITED STATES COSTS.—The President shall
 18 annually provide to the Secretary General of the United
 19 Nations data regarding all costs incurred by the United
 20 States Department of Defense during the preceding year
 21 in support of all United Nations Security Council resolu-
 22 tions as reported to the Congress pursuant to section 8079
 23 of the Department of Defense Appropriations Act, 1998.

24 “(b) UNITED NATIONS MEMBER COSTS.—The Presi-
 25 dent shall request that the United Nations compile and

1 publish information concerning costs incurred by United
2 Nations members in support of such resolutions.”.

3 **SEC. 723. REIMBURSEMENT FOR GOODS AND SERVICES**
4 **PROVIDED BY THE UNITED STATES TO THE**
5 **UNITED NATIONS.**

6 The United Nations Participation Act of 1945 (22
7 U.S.C. 287 et seq.) is amended by adding at the end the
8 following new section:

9 **“SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES**
10 **PROVIDED BY THE UNITED STATES TO THE**
11 **UNITED NATIONS.**

12 “(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), the President shall seek and obtain in a
15 timely fashion a commitment from the United Na-
16 tions to provide reimbursement to the United States
17 from the United Nations whenever the United States
18 Government furnishes assistance pursuant to the
19 provisions of law described in subsection (c)—

20 “(A) to the United Nations when the as-
21 sistance is designed to facilitate or assist in car-
22 rying out an assessed peacekeeping operation;

23 “(B) for any United Nations peacekeeping
24 operation that is authorized by the United Na-
25 tions Security Council under Chapter VI or

Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

“(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The requirement in paragraph (1) shall not apply to—

“(i) goods and services provided to the United States Armed Forces;

“(ii) assistance having a value of less than \$3,000,000 per fiscal year per operation;

“(iii) assistance furnished before the date of enactment of this section;

“(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members

1 for similar assistance to United Nations
2 peacekeeping operations; or

3 “(v) any assistance commitment made
4 before the date of enactment of this sec-
5 tion.

6 “(B) DEPLOYMENTS OF UNITED STATES
7 MILITARY FORCES.— The requirements of sub-
8 section (d)(1)(B) shall not apply to the deploy-
9 ment of United States military forces when the
10 President determines that such deployment is
11 important to the security interests of the
12 United States. The cost of such deployment
13 shall be included in the data provided under
14 section 554 of the Foreign Assistance Act of
15 1961.

16 “(3) FORM AND AMOUNT.—

17 “(A) AMOUNT.—The amount of any reim-
18 bursement under this subsection shall be deter-
19 mined at the usual rate established by the
20 United Nations.

21 “(B) FORM.—Reimbursement under this
22 subsection may include credits against the
23 United States assessed contributions for United
24 Nations peacekeeping operations, if the ex-
25 penses incurred by any United States depart-

1 ment or agency providing the assistance have
2 first been reimbursed.

3 “(b) TREATMENT OF REIMBURSEMENTS.—

4 “(1) CREDIT.—The amount of any reimburse-
5 ment paid the United States under subsection (a)
6 shall be credited to the current applicable appropria-
7 tion, fund, or account of the United States depart-
8 ment or agency providing the assistance for which
9 the reimbursement is paid.

10 “(2) AVAILABILITY.—Amounts credited under
11 paragraph (1) shall be merged with the appropria-
12 tions, or with appropriations in the fund or account,
13 to which credited and shall be available for the same
14 purposes, and subject to the same conditions and
15 limitations, as the appropriations with which
16 merged.

17 “(c) COVERED ASSISTANCE.—Subsection (a) applies
18 to assistance provided under the following provisions of
19 law:

20 “(1) Sections 6 and 7 of this Act.

21 “(2) Sections 451, 506(a)(1), 516, 552(c), and
22 607 of the Foreign Assistance Act of 1961.

23 “(3) Any other provisions of law pursuant to
24 which assistance is provided by the United States to

1 carry out the mandate of an assessed United Na-
2 tions peacekeeping operation.

3 “(d) WAIVER.—

4 “(1) AUTHORITY.—

5 “(A) IN GENERAL.—The President may
6 authorize the furnishing of assistance covered
7 by this section without regard to subsection (a)
8 if the President determines, and so notifies in
9 writing the Committee on Foreign Relations of
10 the Senate and the Speaker of the House of
11 Representatives, that to do so is important to
12 the security interests of the United States.

13 “(B) CONGRESSIONAL NOTIFICATION.—

14 When exercising the authorities of subpara-
15 graph (A), the President shall notify the Com-
16 mittee on Foreign Relations of the Senate and
17 the Committee on International Relations of the
18 House of Representatives in accordance with
19 the procedures applicable to reprogramming no-
20 tifications under section 634A of the Foreign
21 Assistance Act of 1961.

22 “(2) CONGRESSIONAL REVIEW.—Notwith-

23 standing a notice under paragraph (1) with respect
24 to assistance covered by this section, subsection (a)
25 shall apply to the furnishing of the assistance if, not

1 later than 15 calendar days after receipt of a notifi-
 2 cation under that paragraph, the Congress enacts a
 3 joint resolution disapproving the determination of
 4 the President contained in the notification.

5 “(3) SENATE PROCEDURES.—Any joint resolu-
 6 tion described in paragraph (2) shall be considered
 7 in the Senate in accordance with the provisions of
 8 section 601(b) of the International Security Assist-
 9 ance and Arms Export Control Act of 1976.

10 “(e) RELATIONSHIP TO OTHER REIMBURSEMENT
 11 AUTHORITY.—Nothing in this section shall preclude the
 12 President from seeking reimbursement for assistance cov-
 13 ered by this section that is in addition to the reimburse-
 14 ment sought for the assistance under subsection (a).

15 “(f) DEFINITION.—In this section, the term ‘assist-
 16 ance’ includes personnel, services, supplies, equipment, fa-
 17 cilities, and other assistance if such assistance is provided
 18 by the Department of Defense or any other United States
 19 Government agency.”.

20 **SEC. 724. CODIFICATION OF REQUIRED NOTICE OF PRO-**
 21 **POSED UNITED NATIONS PEACEKEEPING OP-**
 22 **ERATIONS.**

23 (a) CODIFICATION.—Section 4 of the United Nations
 24 Participation Act of 1945 (22 U.S.C. 287b) is amended—

1 (1) in subsection (a), by striking the second
2 sentence; and

3 (2) by striking subsection (e) and inserting the
4 following:

5 “(e) CONSULTATIONS AND REPORTS ON UNITED NA-
6 TIONS PEACEKEEPING OPERATIONS.—

7 “(1) CONSULTATIONS.—Each month the Presi-
8 dent shall consult with Congress on the status of
9 United Nations peacekeeping operations.

10 “(2) INFORMATION TO BE PROVIDED.—In con-
11 nection with such consultations, the following infor-
12 mation shall be provided each month to the des-
13 ignated congressional committees:

14 “(A) With respect to ongoing United Na-
15 tions peacekeeping operations, the following:

16 “(i) A list of all resolutions of the
17 United Nations Security Council antici-
18 pated to be voted on during such month
19 that would extend or change the mandate
20 of any United Nations peacekeeping oper-
21 ation.

22 “(ii) For each such operation, any
23 changes in the duration, mandate, and
24 command and control arrangements that

1 are anticipated as a result of the adoption
2 of the resolution.

3 “(iii) An estimate of the total cost to
4 the United Nations of each such operation
5 for the period covered by the resolution,
6 and an estimate of the amount of that cost
7 that will be assessed to the United States.

8 “(iv) Any anticipated significant
9 changes in United States participation in
10 or support for each such operation during
11 the period covered by the resolution (in-
12 cluding the provision of facilities, training,
13 transportation, communication, and
14 logistical support, but not including intel-
15 ligence activities reportable under title V of
16 the National Security Act of 1947 (50
17 U.S.C. 413 et seq.)), and the estimated
18 costs to the United States of such changes.

19 “(B) With respect to each new United Na-
20 tions peacekeeping operation that is anticipated
21 to be authorized by a Security Council resolu-
22 tion during such month, the following informa-
23 tion for the period covered by the resolution:

24 “(i) The anticipated duration, man-
25 date, and command and control arrange-

1 ments of such operation, the planned exit
2 strategy, and the vital national interest to
3 be served.

4 “(ii) An estimate of the total cost to
5 the United Nations of the operation, and
6 an estimate of the amount of that cost
7 that will be assessed to the United States.

8 “(iii) A description of the functions
9 that would be performed by any United
10 States Armed Forces participating in or
11 otherwise operating in support of the oper-
12 ation, an estimate of the number of mem-
13 bers of the Armed Forces that will partici-
14 pate in or otherwise operate in support of
15 the operation, and an estimate of the cost
16 to the United States of such participation
17 or support.

18 “(iv) A description of any other
19 United States assistance to or support for
20 the operation (including the provision of
21 facilities, training, transportation, commu-
22 nication, and logistical support, but not in-
23 cluding intelligence activities reportable
24 under title V of the National Security Act
25 of 1947 (50 U.S.C. 413 et seq.)), and an

1 estimate of the cost to the United States
2 of such assistance or support.

3 “(v) A reprogramming of funds pur-
4 suant to section 34 of the State Depart-
5 ment Basic Authorities Act of 1956, sub-
6 mitted in accordance with the procedures
7 set forth in such section, describing the
8 source of funds that will be used to pay for
9 the cost of the new United Nations peace-
10 keeping operation, provided that such noti-
11 fication shall also be submitted to the
12 Committee on Appropriations of the House
13 of Representatives and the Committee on
14 Appropriations of the Senate.

15 “(3) FORM AND TIMING OF INFORMATION.—

16 “(A) FORM.—The President shall submit
17 information under clauses (i) and (iii) of para-
18 graph (2)(A) in writing.

19 “(B) TIMING.—

20 “(i) ONGOING OPERATIONS.—The in-
21 formation required under paragraph (2)(A)
22 for a month shall be submitted not later
23 than the 10th day of the month.

24 “(ii) NEW OPERATIONS.—The infor-
25 mation required under paragraph (2)(B)

1 shall be submitted in writing with respect
2 to each new United Nations peacekeeping
3 operation not less than 15 days before the
4 anticipated date of the vote on the resolu-
5 tion concerned unless the President deter-
6 mines that exceptional circumstances pre-
7 vent compliance with the requirement to
8 report 15 days in advance. If the President
9 makes such a determination, the informa-
10 tion required under paragraph (2)(B) shall
11 be submitted as far in advance of the vote
12 as is practicable.

13 “(4) NEW UNITED NATIONS PEACEKEEPING OP-
14 ERATION DEFINED.—As used in paragraph (2), the
15 term ‘new United Nations peacekeeping operation’
16 includes any existing or otherwise ongoing United
17 Nations peacekeeping operation—

18 “(A) where the authorized force strength is
19 to be expanded;

20 “(B) that is to be authorized to operate in
21 a country in which it was not previously author-
22 ized to operate; or

23 “(C) the mandate of which is to be
24 changed so that the operation would be engaged

1 in significant additional or significantly dif-
2 ferent functions.

3 “(5) NOTIFICATION AND QUARTERLY REPORTS
4 REGARDING UNITED STATES ASSISTANCE.—

5 “(A) NOTIFICATION OF CERTAIN ASSIST-
6 ANCE.—

7 “(i) IN GENERAL.—The President
8 shall notify the designated congressional
9 committees at least 15 days before the
10 United States provides any assistance to
11 the United Nations to support peace-
12 keeping operations.

13 “(ii) EXCEPTION.—This subpara-
14 graph does not apply to—

15 “(I) assistance having a value of
16 less than \$3,000,000 in the case of
17 nonreimbursable assistance or less
18 than \$14,000,000 in the case of reim-
19 bursable assistance; or

20 “(II) assistance provided under
21 the emergency drawdown authority of
22 sections 506(a)(1) and 552(c)(2) of
23 the Foreign Assistance Act of 1961
24 (22 U.S.C. 2318(a)(1) and
25 2348a(c)(2)).

1 “(B) QUARTERLY REPORTS.—

2 “(i) IN GENERAL.—The President
3 shall submit quarterly reports to the des-
4 ignated congressional committees on all as-
5 sistance provided by the United States
6 during the preceding calendar quarter to
7 the United Nations to support peace-
8 keeping operations.

9 “(ii) MATTERS INCLUDED.—Each re-
10 port under this subparagraph shall de-
11 scribe the assistance provided for each
12 such operation, listed by category of assist-
13 ance.

14 “(iii) FOURTH QUARTER REPORT.—
15 The report under this subparagraph for
16 the fourth calendar quarter of each year
17 shall be submitted as part of the annual
18 report required by subsection (d) and shall
19 include cumulative information for the pre-
20 ceding calendar year.

21 “(f) DESIGNATED CONGRESSIONAL COMMITTEES.—

22 In this section, the term ‘designated congressional com-
23 mittees’ means the Committee on Foreign Relations and
24 the Committee on Appropriations of the Senate and the

1 Committee on International Relations and the Committee
2 on Appropriations of the House of Representatives.”.

3 (2) CONFORMING REPEAL.—Subsection (a) of
4 section 407 of the Foreign Relations Authorization
5 Act, Fiscal Years 1994 and 1995 (Public Law 103–
6 236; 22 U.S.C. 287b note; 108 Stat. 448) is re-
7 pealed.

8 (b) RELATIONSHIP TO OTHER NOTICE REQUIRE-
9 MENTS.—Section 4 of the United Nations Participation
10 Act of 1945, as amended by subsection (a), is further
11 amended by adding at the end the following:

12 “(g) RELATIONSHIP TO OTHER NOTIFICATION RE-
13 QUIREMENTS.—Nothing in this section is intended to alter
14 or supersede any notification requirement with respect to
15 peacekeeping operations that is established under any
16 other provision of law.”.

17 **TITLE VIII—MISCELLANEOUS** 18 **PROVISIONS**

19 **Subtitle A—General Provisions**

20 **SEC. 801. DENIAL OF ENTRY INTO UNITED STATES OF FOR-**
21 **EIGN NATIONALS ENGAGED IN ESTABLISH-**
22 **MENT OR ENFORCEMENT OF FORCED ABOR-**
23 **TION OR STERILIZATION POLICY.**

24 (a) DENIAL OF ENTRY.—Notwithstanding any other
25 provision of law, the Secretary of State may not issue any

1 visa to, and the Attorney General may not admit to the
2 United States, any foreign national whom the Secretary
3 finds, based on credible and specific information, to have
4 been directly involved in the establishment or enforcement
5 of population control policies forcing a woman to undergo
6 an abortion against her free choice or forcing a man or
7 woman to undergo sterilization against his or her free
8 choice, unless the Secretary has substantial grounds for
9 believing that the foreign national has discontinued his or
10 her involvement with, and support for, such policies.

11 (b) EXCEPTIONS.—The prohibitions in subsection (a)
12 shall not apply in the case of a foreign national who is
13 a head of state, head of government, or cabinet level min-
14 ister.

15 (c) WAIVER.—The Secretary of State may waive the
16 prohibitions in subsection (a) with respect to a foreign na-
17 tional if the Secretary—

18 (1) determines that it is important to the na-
19 tional interest of the United States to do so; and

20 (2) provides written notification to the appro-
21 priate congressional committees containing a jus-
22 tification for the waiver.

23 **SEC. 802. TECHNICAL CORRECTIONS.**

24 (a) Section 1422(b)(3)(B) of the Foreign Affairs Re-
25 form and Restructuring Act (as contained in division G

1 of Public Law 105–277; 112 Stat. 2681–792) is amended
 2 by striking “divisionAct” and inserting “division”.

3 (b) Section 1002(a) of the Foreign Affairs Reform
 4 and Restructuring Act (as contained in division G of Pub-
 5 lic Law 105–277; 112 Stat. 2681–762) is amended by
 6 striking paragraph (3).

7 (c) The table of contents of division G of Public Law
 8 105–277 (112 Stat. 2681–762) is amended by striking
 9 “DIVISION__” and inserting “DIVISION G”.

10 (d) Section 305 of Public Law 97–446 (19 U.S.C.
 11 2604) is amended in the first sentence by striking “Sec-
 12 retary” the first place it appears and inserting “Secretary,
 13 in consultation with the Secretary of State,”.

14 **SEC. 803. REPORTS WITH RESPECT TO A REFERENDUM ON**
 15 **WESTERN SAHARA.**

16 (a) REPORTS REQUIRED.—

17 (1) IN GENERAL.—Not later than each of the
 18 dates specified in paragraph (2), the Secretary of
 19 State shall submit a report to the appropriate con-
 20 gressional committees describing specific steps being
 21 taken by the Government of Morocco and by the
 22 Popular Front for the Liberation of Saguia el-
 23 Hamra and Rio de Oro (POLISARIO) to ensure
 24 that a free, fair, and transparent referendum in
 25 which the people of the Western Sahara will choose

1 between independence and integration with Morocco
2 will be held by July 2000.

3 (2) DEADLINES FOR SUBMISSION OF RE-
4 PORTS.—The dates referred to in paragraph (1) are
5 January 1, 2000, and June 1, 2000.

6 (b) REPORT ELEMENTS.—The report shall include—

7 (1) a description of preparations for the ref-
8 erendum, including the extent to which free access
9 to the territory for independent international organi-
10 zations, including election observers and inter-
11 national media, will be guaranteed;

12 (2) a description of current efforts by the De-
13 partment of State to ensure that a referendum will
14 be held by July 2000;

15 (3) an assessment of the likelihood that the
16 July 2000 date will be met;

17 (4) a description of obstacles, if any, to the
18 voter registration process and other preparations for
19 the referendum, and efforts being made by the par-
20 ties and the United States Government to overcome
21 those obstacles; and

22 (5) an assessment of progress being made in
23 the repatriation process.

1 **SEC. 804. REPORTING REQUIREMENTS UNDER PLO COM-**
2 **MITMENTS COMPLIANCE ACT OF 1989.**

3 The PLO Commitments Compliance Act of 1989 is
4 amended —

5 (1) in section 804(b), by striking “In conjunc-
6 tion with each written policy justification required
7 under section 604(b)(1) of the Middle East Peace
8 Facilitation Act of 1995 or every” and inserting
9 “Every”;

10 (2) in section 804(b)—

11 (A) by striking “and” at the end of para-
12 graph (9);

13 (B) by striking the period at the end of
14 paragraph (10); and

15 (C) by adding at the end the following new
16 paragraphs:

17 “(11) a statement on the effectiveness of end-
18 use monitoring of international or United States aid
19 being provided to the Palestinian Authority, Pales-
20 tinian Liberation Organization, or the Palestinian
21 Legislative Council, or to any other agent or instru-
22 mentality of the Palestinian Authority, on Pales-
23 tinian efforts to comply with international account-
24 ing standards and on enforcement of anti-corruption
25 measures; and

1 “(12) a statement on compliance by the Pales-
2 tinian Authority with the democratic reforms, with
3 specific details regarding the separation of powers
4 called for between the executive and Legislative
5 Council, the status of legislation passed by the Leg-
6 islative Council and sent to the executive, the sup-
7 port of the executive for local and municipal elec-
8 tions, the status of freedom of the press, and of the
9 ability of the press to broadcast debate from within
10 the Legislative Council and about the activities of
11 the Legislative Council.”.

12 **SEC. 805. REPORT ON TERRORIST ACTIVITY IN WHICH**
13 **UNITED STATES CITIZENS WERE KILLED AND**
14 **RELATED MATTERS.**

15 (a) IN GENERAL.—Not later than 6 months after the
16 date of enactment of this Act and every 6 months there-
17 after until October 1, 2001, the Secretary of State shall
18 prepare and submit a report, with a classified annex as
19 necessary, to the appropriate congressional committees re-
20 garding terrorist attacks in Israel, in territory adminis-
21 tered by Israel, and in territory administered by the Pales-
22 tinian Authority. The report shall contain the following
23 information:

24 (1) A list of formal commitments the Pales-
25 tinian Authority has made to combat terrorism.

1 (2) A list of terrorist attacks, occurring between
2 September 13, 1993 and the date of the report,
3 against United States citizens in Israel, in territory
4 administered by Israel, or in territory administered
5 by the Palestinian Authority, including—

6 (A) a list of all citizens of the United
7 States killed or injured in such attacks;

8 (B) the date of each attack and the total
9 number of people killed or injured in each at-
10 tack;

11 (C) the person or group claiming responsi-
12 bility for the attack and where such person or
13 group has found refuge or support;

14 (D) a list of suspects implicated in each at-
15 tack and the nationality of each suspect, includ-
16 ing information on—

17 (i) which suspects are in the custody
18 of the Palestinian Authority and which
19 suspects are in the custody of Israel;

20 (ii) which suspects are still at large in
21 areas controlled by the Palestinian Author-
22 ity or Israel; and

23 (iii) the whereabouts (or suspected
24 whereabouts) of suspects implicated in
25 each attack.

1 (3) Of the suspects implicated in the attacks
2 described in paragraph (2) and detained by Pales-
3 tinian or Israeli authorities, information on—

4 (A) the date each suspect was incarcer-
5 ated;

6 (B) whether any suspects have been re-
7 leased, the date of such release, and whether
8 any released suspect was implicated in subse-
9 quent acts of terrorism; and

10 (C) the status of each case pending against
11 a suspect, including information on whether the
12 suspect has been indicted, prosecuted, or con-
13 victed by the Palestinian Authority or Israel.

14 (4) The policy of the Department of State with
15 respect to offering rewards for information on ter-
16 rorist suspects, including any information on wheth-
17 er a reward has been posted for suspects involved in
18 terrorist attacks listed in the report.

19 (5) A list of each request by the United States
20 for assistance in investigating terrorist attacks listed
21 in the report, a list of each request by the United
22 States for the transfer of terrorist suspects from the
23 Palestinian Authority and Israel since September
24 13, 1993, and the response to each request from the
25 Palestinian Authority and Israel.

1 (6) A description of efforts made by United
2 States officials since September 13, 1993 to bring to
3 justice perpetrators of terrorist acts against United
4 States citizens as listed in the report.

5 (7) A list of any terrorist suspects in these
6 cases who are members of Palestinian police or secu-
7 rity forces, the Palestine Liberation Organization, or
8 any Palestinian governing body.

9 (8) A list of all United States citizens killed or
10 injured in terrorist attacks in Israel or in territory
11 administered by Israel between 1950 and September
12 13, 1993, to include in each case, where such infor-
13 mation is reasonably available, any stated claim of
14 responsibility and the resolution or disposition of
15 each case, except that this list shall be submitted
16 only once with the initial report required under this
17 section unless additional relevant information on
18 these cases becomes available.

19 (b) CONSULTATION WITH OTHER DEPARTMENTS.—
20 The Secretary of State shall, in preparing the report re-
21 quired by this section, consult and coordinate with all
22 other Government officials who have information nec-
23 essary to complete the report. Nothing contained in this
24 section shall require the disclosure, on a classified or un-
25 classified basis, of information that would jeopardize sen-

1 sitive sources and methods or other vital national security
 2 interests or jeopardize ongoing criminal investigations or
 3 proceedings.

4 (c) INITIAL REPORT.—Except as provided in sub-
 5 section (a)(8), the initial report filed under this section
 6 shall cover the period between September 13, 1993 and
 7 the date of the report.

8 **SEC. 806. ANNUAL REPORTING ON WAR CRIMES, CRIMES**
 9 **AGAINST HUMANITY, AND GENOCIDE.**

10 (a) SECTION 116 OF FOREIGN ASSISTANCE ACT OF
 11 1961.—Section 116(d) of the Foreign Assistance Act of
 12 1961 (22 U.S.C. 2151n(d)) is amended—

13 (1) in paragraph (6), by striking “and” at the
 14 end;

15 (2) in paragraph (7), by striking the period at
 16 the end and inserting “and”; and

17 (3) by adding at the end the following:

18 “(8) wherever applicable, consolidated informa-
 19 tion regarding the commission of war crimes, crimes
 20 against humanity, and evidence of acts that may
 21 constitute genocide (as defined in article 2 of the
 22 Convention on the Prevention and Punishment of
 23 the Crime of Genocide and modified by the United
 24 States instrument of ratification to that convention

1 and section 2(a) of the Genocide Convention Imple-
 2 mentation Act of 1987).”.

3 (b) SECTION 502B OF THE FOREIGN ASSISTANCE
 4 ACT OF 1961.—Section 502B(b) of the Foreign Assist-
 5 ance Act of 1961 (22 U.S.C. 2304(b)) is amended by in-
 6 serting after the first sentence the following: “Wherever
 7 applicable, such report shall include consolidated informa-
 8 tion regarding the commission of war crimes, crimes
 9 against humanity, and evidence of acts that may con-
 10 stitute genocide (as defined in article 2 of the Convention
 11 on the Prevention and Punishment of the Crime of Geno-
 12 cide and modified by the United States instrument of rati-
 13 fication to that convention and section 2(a) of the Geno-
 14 cide Convention Implementation Act of 1987).”.

15 **Subtitle B—North Korea Threat** 16 **Reduction**

17 **SEC. 821. SHORT TITLE.**

18 This subtitle may be cited as the “North Korea
 19 Threat Reduction Act of 1999”.

20 **SEC. 822. RESTRICTIONS ON NUCLEAR COOPERATION WITH** 21 **NORTH KOREA.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
 23 sion of law or any international agreement, no agreement
 24 for cooperation (as defined in sec. 11 b. of the Atomic
 25 Energy Act of 1954 (42 U.S.C. 2014 b.)) between the

1 United States and North Korea may become effective, no
2 license may be issued for export directly or indirectly to
3 North Korea of any nuclear material, facilities, compo-
4 nents, or other goods, services, or technology that would
5 be subject to such agreement, and no approval may be
6 given for the transfer or retransfer directly or indirectly
7 to North Korea of any nuclear material, facilities, compo-
8 nents, or other goods, services, or technology that would
9 be subject to such agreement, until the President deter-
10 mines and reports to the Committee on International Re-
11 lations of the House of Representatives and the Com-
12 mittee on Foreign Relations of the Senate that—

13 (1) North Korea has come into full compliance
14 with its safeguards agreement with the IAEA
15 (INFCIRC/403), and has taken all steps that have
16 been deemed necessary by the IAEA in this regard;

17 (2) North Korea has permitted the IAEA full
18 access to all additional sites and all information (in-
19 cluding historical records) deemed necessary by the
20 IAEA to verify the accuracy and completeness of
21 North Korea's initial report of May 4, 1992, to the
22 IAEA on all nuclear sites and material in North
23 Korea;

24 (3) North Korea is in full compliance with its
25 obligations under the Agreed Framework;

1 (4) North Korea has consistently taken steps to
2 implement the Joint Declaration on
3 Denuclearization, and is in full compliance with its
4 obligations under numbered paragraphs 1, 2, and 3
5 of the Joint Declaration on Denuclearization (ex-
6 cluding in the case of numbered paragraph 3 facili-
7 ties frozen pursuant to the Agreed Framework);

8 (5) North Korea does not have uranium enrich-
9 ment or nuclear reprocessing facilities (excluding fa-
10 cilities frozen pursuant to the Agreed Framework),
11 and is making no significant progress toward acquir-
12 ing or developing such facilities;

13 (6) North Korea does not have nuclear weapons
14 and is making no significant effort to acquire, de-
15 velop, test, produce, or deploy such weapons; and

16 (7) the transfer to North Korea of key nuclear
17 components, under the proposed agreement for co-
18 operation with North Korea and in accordance with
19 the Agreed Framework, is in the national interest of
20 the United States.

21 (b) CONSTRUCTION.—The restrictions contained in
22 subsection (a) shall apply in addition to all other applica-
23 ble procedures, requirements, and restrictions contained in
24 the Atomic Energy Act of 1954 and other laws.

1 **SEC. 823. DEFINITIONS.**

2 In this subtitle:

3 (1) **AGREED FRAMEWORK.**—The term “Agreed
4 Framework” means the “Agreed Framework Be-
5 tween the United States of America and the Demo-
6 cratic People’s Republic of Korea”, signed in Geneva
7 on October 21, 1994, and the Confidential Minute to
8 that Agreement.

9 (2) **IAEA.**—The term “IAEA” means the
10 International Atomic Energy Agency.

11 (3) **NORTH KOREA.**—The term “North Korea”
12 means the Democratic People’s Republic of Korea.

13 (4) **JOINT DECLARATION ON**
14 **DENUCLEARIZATION.**—The term “Joint Declaration
15 on Denuclearization” means the Joint Declaration
16 on the Denuclearization of the Korean Peninsula,
17 issued by the Republic of Korea and the Democratic
18 People’s Republic of Korea on January 1, 1992.

19 **Subtitle C—People’s Republic of**
20 **China**

21 **SEC. 871. FINDINGS.**

22 Congress makes the following findings:

23 (1) Congress concurs in the conclusions of the
24 Department of State, as set forth in the Country
25 Reports on Human Rights Practices for 1998, on

1 human rights in the People's Republic of China in
2 1998 as follows:

3 (A) "The People's Republic of China
4 (PRC) is an authoritarian state in which the
5 Chinese Communist Party (CCP) is the para-
6 mount source of power. . . . Citizens lack both
7 the freedom peacefully to express opposition to
8 the party-led political system and the right to
9 change their national leaders or form of govern-
10 ment."

11 (B) "The Government continued to commit
12 widespread and well-documented human rights
13 abuses, in violation of internationally accepted
14 norms. These abuses stemmed from the au-
15 thorities' very limited tolerance of public dissent
16 aimed at the Government, fear of unrest, and
17 the limited scope or inadequate implementation
18 of laws protecting basic freedoms."

19 (C) "Abuses included instances of
20 extrajudicial killings, torture and mistreatment
21 of prisoners, forced confessions, arbitrary arrest
22 and detention, lengthy incommunicado deten-
23 tion, and denial of due process."

24 (D) "Prison conditions at most facilities
25 remained harsh. . . . The Government in-

1 fringed on citizens' privacy rights. The Govern-
2 ment continued restrictions on freedom of
3 speech and of the press, and tightened these to-
4 ward the end of the year. The Government se-
5 verely restricted freedom of assembly, and con-
6 tinued to restrict freedom of association, reli-
7 gion, and movement.”.

8 (E) “Discrimination against women, mi-
9 norities, and the disabled; violence against
10 women, including coercive family planning prac-
11 tices—which sometimes include forced abortion
12 and forced sterilization; prostitution, trafficking
13 in women and children, and the abuse of chil-
14 dren all are problems.”.

15 (F) “The Government continued to restrict
16 tightly worker rights, and forced labor remains
17 a problem.”.

18 (G) “Serious human rights abuses per-
19 sisted in minority areas, including Tibet and
20 Xinjiang, where restrictions on religion and
21 other fundamental freedoms intensified.”.

22 (H) “Unapproved religious groups, includ-
23 ing Protestant and Catholic groups, continued
24 to experience varying degrees of official inter-
25 ference and repression.”.

1 (I) “Although the Government denies that
2 it holds political or religious prisoners, and ar-
3 gues that all those in prison are legitimately
4 serving sentences for crimes under the law, an
5 unknown number of persons, estimated at sev-
6 eral thousand, are detained in violation of inter-
7 national human rights instruments for peace-
8 fully expressing their political, religious, or so-
9 cial views.”.

10 (2) In addition to the State Department, cred-
11 ible press reports and human rights organizations
12 have documented an intense crackdown on political
13 activists by the Government of the People’s Republic
14 of China, involving the harassment, detainment, ar-
15 rest, and imprisonment of dozens of activists.

16 (3) The People’s Republic of China, as a mem-
17 ber of the United Nations, is expected to abide by
18 the provisions of the Universal Declaration of
19 Human Rights.

20 (4) The People’s Republic of China is a party
21 to numerous international human rights conventions,
22 including the Convention Against Torture and Other
23 Cruel, Inhuman or Degrading Treatment or Punish-
24 ment, and is a signatory to the International Cov-

1 enant on Civil and Political Rights and the Covenant
2 on Economic, Social, and Cultural Rights.

3 **SEC. 872. FUNDING FOR ADDITIONAL PERSONNEL AT DIP-**
4 **LOMATIC POSTS TO REPORT ON POLITICAL,**
5 **ECONOMIC, AND HUMAN RIGHTS MATTERS IN**
6 **THE PEOPLE'S REPUBLIC OF CHINA.**

7 Of the amounts authorized to be appropriated for the
8 Department of State by this Act, \$2,200,000 for fiscal
9 year 2000 and \$2,200,000 for fiscal year 2001 shall be
10 made available only to support additional personnel in the
11 United States Embassies in Beijing and Kathmandu, as
12 well as the American consulates in Guangzhou, Shanghai,
13 Shenyang, Chengdu, and Hong Kong, in order to monitor
14 political and social conditions, with particular emphasis on
15 respect for, and violations of, internationally recognized
16 human rights, in the People's Republic of China.

17 **SEC. 873. PRISONER INFORMATION REGISTRY FOR THE**
18 **PEOPLE'S REPUBLIC OF CHINA.**

19 (a) REQUIREMENT.—The Secretary of State shall es-
20 tablish and maintain a registry which shall, to the extent
21 practicable, provide information on all political prisoners,
22 prisoners of conscience, and prisoners of faith in the Peo-
23 ple's Republic of China. The registry shall be known as
24 the "Prisoner Information Registry for the People's Re-
25 public of China".

1 (b) INFORMATION IN REGISTRY.—The registry re-
 2 quired by subsection (a) shall include information on the
 3 charges, judicial processes, administrative actions, uses of
 4 forced labor, incidents of torture, lengths of imprisonment,
 5 physical and health conditions, and other matters associ-
 6 ated with the incarceration of prisoners in the People’s
 7 Republic of China referred to in that subsection.

8 (c) AVAILABILITY OF FUNDS.—The Secretary may
 9 make a grant to nongovernmental organizations currently
 10 engaged in monitoring activities regarding political pris-
 11 oners in the People’s Republic of China in order to assist
 12 in the establishment and maintenance of the registry re-
 13 quired by subsection (a).

14 **TITLE IX—ARREARS PAYMENTS** 15 **AND REFORM**

16 **Subtitle A—General Provisions**

17 **SEC. 901. SHORT TITLE.**

18 This title may be cited as the “United Nations Re-
 19 form Act of 1999”.

20 **SEC. 902. DEFINITIONS.**

21 In this title:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 23 TEES.—The term “appropriate congressional com-
 24 mittees” means the Committee on Foreign Relations
 25 and the Committee on Appropriations of the Senate

1 and the Committee on International Relations and
2 the Committee on Appropriations of the House of
3 Representatives.

4 (2) DESIGNATED SPECIALIZED AGENCY DE-
5 FINED.—The term “designated specialized agency”
6 means the International Labor Organization, the
7 World Health Organization, and the Food and Agri-
8 culture Organization.

9 (3) GENERAL ASSEMBLY.—The term “General
10 Assembly” means the General Assembly of the
11 United Nations.

12 (4) SECRETARY GENERAL.—The term “Sec-
13 retary General” means the Secretary General of the
14 United Nations.

15 (5) SECURITY COUNCIL.—The term “Security
16 Council” means the Security Council of the United
17 Nations.

18 (6) UNITED NATIONS MEMBER.—The term
19 “United Nations member” means any country that
20 is a member of the United Nations.

21 (7) UNITED NATIONS PEACEKEEPING OPER-
22 ATION.—The term “United Nations peacekeeping
23 operation” means any United Nations-led operation
24 to maintain or restore international peace or security
25 that—

1 (A) is authorized by the Security Council;
2 and

3 (B) is paid for from assessed contributions
4 of United Nations members that are made
5 available for peacekeeping activities.

6 **Subtitle B—Arrearages to the**
7 **United Nations**

8 **CHAPTER 1—AUTHORIZATION OF APPRO-**
9 **PRIATIONS; OBLIGATION AND EX-**
10 **PENDITURE OF FUNDS**

11 **SEC. 911. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION.—

13 (1) FISCAL YEAR 1998.—

14 (A) REGULAR ASSESSMENTS.—Amounts
15 appropriated by title IV of the Departments of
16 Commerce, Justice, and State, the Judiciary,
17 and Related Agencies Appropriations Act, 1998
18 (Public Law 105–119), under the heading
19 “Contributions to International Organizations”,
20 are hereby authorized to be appropriated and
21 shall be available for obligation and expenditure
22 subject to the provisions of this title.

23 (B) PEACEKEEPING ASSESSMENTS.—
24 Amounts appropriated by title IV of the De-
25 partments of Commerce, Justice, and State, the

1 Judiciary, and Related Agencies Appropriations
2 Act, 1998 (Public Law 105–119), under the
3 heading “Contributions for International Peace-
4 keeping Activities”, are hereby authorized to be
5 appropriated and shall be available for obliga-
6 tion and expenditure subject to the provisions
7 of this title.

8 (2) FISCAL YEAR 1999.—Amounts appropriated
9 under the heading “Arrearage Payments” in title IV
10 of the Commerce, Justice, and State, the Judiciary,
11 and Related Agencies Appropriations Act, 1999 (as
12 contained in section 101(b) of division A of the Om-
13 nibus Consolidated and Emergency Supplemental
14 Appropriations Act, 1999; Public Law 105–277), are
15 hereby authorized to be appropriated and shall be
16 available for obligation and expenditure subject to
17 the provisions of this title.

18 (3) FISCAL YEAR 2000.—There are authorized
19 to be appropriated to the Department of State for
20 payment of arrearages owed by the United States
21 described in subsection (b) as of September 30,
22 1997, \$244,000,000 for fiscal year 2000. Amounts
23 appropriated pursuant to this paragraph shall be
24 available for obligation and expenditure subject to
25 the provisions of this title.

1 (b) LIMITATION.—Amounts made available under
2 subsection (a) are authorized to be available only—

3 (1) to pay the United States share of assess-
4 ments for the regular budget of the United Nations;

5 (2) to pay the United States share of United
6 Nations peacekeeping operations;

7 (3) to pay the United States share of United
8 Nations specialized agencies; and

9 (4) to pay the United States share of other
10 international organizations.

11 (c) AVAILABILITY OF FUNDS.—Amounts appro-
12 priated pursuant to subsection (a) are authorized to re-
13 main available until expended.

14 (d) STATUTORY CONSTRUCTION.—For purposes of
15 payments made using funds made available under sub-
16 section (a), section 404(b)(2) of the Foreign Relations Au-
17 thorization Act, Fiscal Years 1994 and 1995 (Public Law
18 103–236) shall not apply to United Nations peacekeeping
19 operation assessments received by the United States prior
20 to October 1, 1995.

21 **SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.**

22 (a) IN GENERAL.—Funds made available pursuant to
23 section 911 may be obligated and expended only if the re-
24 quirements of subsections (b) and (c) of this section are
25 satisfied.

1 (b) OBLIGATION AND EXPENDITURE UPON SATIS-
2 FACTION OF CERTIFICATION REQUIREMENTS.—Subject to
3 subsections (e) and (f), funds made available pursuant to
4 section 911 may be obligated and expended only in the
5 following allotments and upon the following certifications:

6 (1) Amounts made available for fiscal year
7 1998, upon the certification described in section
8 921.

9 (2) Amounts made available for fiscal year
10 1999, upon the certification described in section
11 931.

12 (3) Amounts authorized to be appropriated for
13 fiscal year 2000, upon the certification described in
14 section 941.

15 (c) ADVANCE CONGRESSIONAL NOTIFICATION.—
16 Funds made available pursuant to section 911 may be ob-
17 ligated and expended only if the appropriate certification
18 has been submitted to the appropriate congressional com-
19 mittees 30 days prior to the payment of the funds.

20 (d) TRANSMITTAL OF CERTIFICATIONS.—Certifi-
21 cations made under this chapter shall be transmitted by
22 the Secretary of State to the appropriate congressional
23 committees.

24 (e) WAIVER AUTHORITY WITH RESPECT TO FISCAL
25 YEAR 1999 FUNDS.—

1 (1) IN GENERAL.—Subject to paragraph (3)
2 and notwithstanding subsection (b), funds made
3 available under section 911 for fiscal year 1999 may
4 be obligated or expended pursuant to subsection
5 (b)(2) even if the Secretary of State cannot certify
6 that the condition described in section 931(b)(1) has
7 been satisfied.

8 (2) REQUIREMENTS.—

9 (A) IN GENERAL.—The authority to waive
10 the condition described in paragraph (1) of this
11 subsection may be exercised only if the Sec-
12 retary of State—

13 (i) determines that substantial
14 progress towards satisfying the condition
15 has been made and that the expenditure of
16 funds pursuant to that paragraph is im-
17 portant to the interests of the United
18 States; and

19 (ii) has notified, and consulted with,
20 the appropriate congressional committees
21 prior to exercising the authority.

22 (B) EFFECT ON SUBSEQUENT CERTIFI-
23 CATION.—If the Secretary of State exercises the
24 authority of paragraph (1), the condition de-
25 scribed in that paragraph shall be deemed to

1 have been satisfied for purposes of making any
2 certification under section 941.

3 (3) ADDITIONAL REQUIREMENT.—If the au-
4 thority to waive a condition under paragraph (1)(A)
5 is exercised, the Secretary of State shall notify the
6 United Nations that the Congress does not consider
7 the United States obligated to pay, and does not in-
8 tend to pay, arrearages that have not been included
9 in the contested arrearages account or other mecha-
10 nism described in section 931(b)(1).

11 (f) WAIVER AUTHORITY WITH RESPECT TO FISCAL
12 YEAR 2000 FUNDS.—

13 (1) IN GENERAL.—Subject to paragraph (2)
14 and notwithstanding subsection (b), funds made
15 available under section 911 for fiscal year 2000 may
16 be obligated or expended pursuant to subsection
17 (b)(3) even if the Secretary of State cannot certify
18 that the condition described in paragraph (1) of sec-
19 tion 941(b) has been satisfied.

20 (2) REQUIREMENTS.—

21 (A) IN GENERAL.—The authority to waive
22 a condition under paragraph (1) may be exer-
23 cised only if the Secretary of State has notified,
24 and consulted with, the appropriate congres-

1 sional committees prior to exercising the au-
2 thority.

3 (B) EFFECT ON SUBSEQUENT CERTIFI-
4 CATION.—If the Secretary of State exercises the
5 authority of paragraph (1) with respect to a
6 condition, such condition shall be deemed to
7 have been satisfied for purposes of making any
8 certification under section 941.

9 **SEC. 913. FORGIVENESS OF AMOUNTS OWED BY THE**
10 **UNITED NATIONS TO THE UNITED STATES.**

11 (a) FORGIVENESS OF INDEBTEDNESS.—Subject to
12 subsection (b), the President is authorized to forgive or
13 reduce any amount owed by the United Nations to the
14 United States as a reimbursement, including any reim-
15 bursement payable under the Foreign Assistance Act of
16 1961 or the United Nations Participation Act of 1945.

17 (b) LIMITATIONS.—

18 (1) TOTAL AMOUNT.—The total of amounts for-
19 given or reduced under subsection (a) may not ex-
20 ceed \$107,000,000.

21 (2) RELATION TO UNITED STATES ARREAR-
22 AGES.—Amounts shall be forgiven or reduced under
23 this section only to the same extent as the United
24 Nations forgives or reduces amounts owed by the

1 United States to the United Nations as of Sep-
2 tember 30, 1997.

3 (c) REQUIREMENTS.—The authority in subsection (a)
4 shall be available only to the extent and in the amounts
5 provided in advance in appropriations Acts.

6 (d) CONGRESSIONAL NOTIFICATION.—Before exer-
7 cising any authority in subsection (a), the President shall
8 notify the appropriate congressional committees in accord-
9 ance with the same procedures as are applicable to re-
10 programming notifications under section 634A of the For-
11 eign Assistance Act of 1961 (22 U.S.C. 2394–1).

12 (e) EFFECTIVE DATE.—This section shall take effect
13 on the date a certification is transmitted to the appro-
14 priate congressional committees under section 931.

15 **CHAPTER 2—UNITED STATES**

16 **SOVEREIGNTY**

17 **SEC. 921. CERTIFICATION REQUIREMENTS.**

18 (a) CONTENTS OF CERTIFICATION.—A certification
19 described in this section is a certification by the Secretary
20 of State that the following conditions are satisfied:

21 (1) SUPREMACY OF THE UNITED STATES CON-
22 STITUTION.—No action has been taken by the
23 United Nations or any of its specialized or affiliated
24 agencies that requires the United States to violate

1 the United States Constitution or any law of the
2 United States.

3 (2) NO UNITED NATIONS SOVEREIGNTY.—Neither
4 the United Nations nor any of its specialized or
5 affiliated agencies—

6 (A) has exercised sovereignty over the
7 United States; or

8 (B) has taken any steps that require the
9 United States to cede sovereignty.

10 (3) NO UNITED NATIONS TAXATION.—

11 (A) NO LEGAL AUTHORITY.—Except as
12 provided in subparagraph (D), neither the
13 United Nations nor any of its specialized or af-
14 filiated agencies has the authority under United
15 States law to impose taxes or fees on United
16 States nationals.

17 (B) NO TAXES OR FEES.—Except as pro-
18 vided in subparagraph (D), a tax or fee has not
19 been imposed on any United States national by
20 the United Nations or any of its specialized or
21 affiliated agencies.

22 (C) NO TAXATION PROPOSALS.—Except as
23 provided in subparagraph (D), neither the
24 United Nations nor any of its specialized or af-
25 filiated agencies has, on or after October 1,

1 1996, officially approved any formal effort to
2 develop, advocate, or promote any proposal con-
3 cerning the imposition of a tax or fee on any
4 United States national in order to raise revenue
5 for the United Nations or any such agency.

6 (D) EXCEPTION.—This paragraph does
7 not apply to—

8 (i) fees for publications or other kinds
9 of fees that are not tantamount to a tax on
10 United States citizens;

11 (ii) the World Intellectual Property
12 Organization; or

13 (iii) the staff assessment costs of the
14 United Nations and its specialized or affili-
15 ated agencies.

16 (4) NO STANDING ARMY.—The United Nations
17 has not, on or after October 1, 1996, budgeted any
18 funds for, nor taken any official steps to develop,
19 create, or establish any special agreement under Ar-
20 ticle 43 of the United Nations Charter to make
21 available to the United Nations, on its call, the
22 armed forces of any member of the United Nations.

23 (5) NO INTEREST FEES.—The United Nations
24 has not, on or after October 1, 1996, levied interest
25 penalties against the United States or any interest

1 on arrearages on the annual assessment of the
2 United States, and neither the United Nations nor
3 its specialized agencies have, on or after October 1,
4 1996, amended their financial regulations or taken
5 any other action that would permit interest penalties
6 to be levied against the United States or otherwise
7 charge the United States any interest on arrearages
8 on its annual assessment.

9 (6) UNITED STATES REAL PROPERTY
10 RIGHTS.—Neither the United Nations nor any of its
11 specialized or affiliated agencies has exercised au-
12 thority or control over any United States national
13 park, wildlife preserve, monument, or real property,
14 nor has the United Nations nor any of its specialized
15 or affiliated agencies implemented plans, regulations,
16 programs, or agreements that exercise control or au-
17 thority over the private real property of United
18 States citizens located in the United States without
19 the approval of the property owner.

20 (7) TERMINATION OF BORROWING AUTHOR-
21 ITY.—

22 (A) PROHIBITION ON AUTHORIZATION OF
23 EXTERNAL BORROWING.—On or after the date
24 of enactment of this Act, neither the United
25 Nations nor any specialized agency of the

1 United Nations has amended its financial regu-
2 lations to permit external borrowing.

3 (B) PROHIBITION OF UNITED STATES PAY-
4 MENT OF INTEREST COSTS.—The United States
5 has not, on or after October 1, 1984, paid its
6 share of any interest costs made known to or
7 identified by the United States Government for
8 loans incurred, on or after October 1, 1984, by
9 the United Nations or any specialized agency of
10 the United Nations through external borrowing.

11 (b) TRANSMITTAL.—The Secretary of State may
12 transmit a certification under subsection (a) at any time
13 during fiscal year 1998 or thereafter if the requirements
14 of the certification are satisfied.

15 **CHAPTER 3—REFORM OF ASSESSMENTS**
16 **AND UNITED NATIONS PEACEKEEPING**
17 **OPERATIONS**

18 **SEC. 931. CERTIFICATION REQUIREMENTS.**

19 (a) IN GENERAL.—A certification described in this
20 section is a certification by the Secretary of State that
21 the conditions in subsection (b) are satisfied. Such certifi-
22 cation shall not be made by the Secretary if the Secretary
23 determines that any of the conditions set forth in section
24 921 are no longer satisfied.

1 (b) CONDITIONS.—The conditions under this sub-
2 section are the following:

3 (1) CONTESTED ARREARAGES.—The United
4 Nations has established an account or other appro-
5 priate mechanism with respect to all United States
6 arrearages incurred before the date of enactment of
7 this Act with respect to which payments are not au-
8 thorized by this Act, and the failure to pay amounts
9 specified in the account does not affect the applica-
10 tion of Article 19 of the Charter of the United Na-
11 tions. The account established under this paragraph
12 may be referred to as the “contested arrearages ac-
13 count”.

14 (2) LIMITATION ON ASSESSED SHARE OF BUDG-
15 ET FOR UNITED NATIONS PEACEKEEPING OPER-
16 ATIONS.—The assessed share of the budget for each
17 assessed United Nations peacekeeping operation
18 does not exceed 25 percent for any single United
19 Nations member.

20 (3) LIMITATION ON ASSESSED SHARE OF REG-
21 ULAR BUDGET.—The share of the total of all as-
22 sessed contributions for the regular budget of the
23 United Nations does not exceed 22 percent for any
24 single United Nations member.

1 **CHAPTER 4—BUDGET AND PERSONNEL**
2 **REFORM**

3 **SEC. 941. CERTIFICATION REQUIREMENTS.**

4 (a) IN GENERAL.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), a certification described in this section is
7 a certification by the Secretary of State that the
8 conditions in subsection (b) are satisfied.

9 (2) SPECIFIED CERTIFICATION.—A certification
10 described in this section is also a certification that,
11 with respect to the United Nations or a particular
12 designated specialized agency, the conditions in sub-
13 section (b)(4) applicable to that organization are
14 satisfied, regardless of whether the conditions in
15 subsection (b)(4) applicable to any other organiza-
16 tion are satisfied, if the other conditions in sub-
17 section (b) are satisfied.

18 (3) EFFECT OF SPECIFIED CERTIFICATION.—
19 Funds made available under section 912(b)(3) upon
20 a certification made under this section with respect
21 to the United Nations or a particular designated
22 specialized agency shall be limited to that portion of
23 the funds available under that section that is allo-
24 cated for the organization with respect to which the
25 certification is made and for any other organization

1 to which none of the conditions in subsection (b)
2 apply.

3 (4) LIMITATION.—A certification described in
4 this section shall not be made by the Secretary if the
5 Secretary determines that any of the conditions set
6 forth in sections 921 and 931 are no longer satis-
7 fied.

8 (b) CONDITIONS.—The conditions under this sub-
9 section are the following:

10 (1) LIMITATION ON ASSESSED SHARE OF REG-
11 ULAR BUDGET.—The share of the total of all as-
12 sessed contributions for the regular budget of the
13 United Nations, or any designated specialized agen-
14 cy of the United Nations, does not exceed 20 percent
15 for any single United Nations member.

16 (2) INSPECTORS GENERAL FOR CERTAIN ORGA-
17 NIZATIONS.—

18 (A) ESTABLISHMENT OF OFFICES.—Each
19 designated specialized agency has established an
20 independent office of inspector general to con-
21 duct and supervise objective audits, inspections,
22 and investigations relating to the programs and
23 operations of the organization.

24 (B) APPOINTMENT OF INSPECTORS GEN-
25 ERAL.—The Director General of each des-

1 ignated specialized agency has appointed an in-
2 specter general, with the approval of the mem-
3 ber states, and that appointment was made
4 principally on the basis of the appointee's integ-
5 rity and demonstrated ability in accounting, au-
6 diting, financial analysis, law, management
7 analysis, public administration, or investiga-
8 tions.

9 (C) ASSIGNED FUNCTIONS.—Each inspec-
10 tor general appointed under subparagraph (A)
11 is authorized to—

12 (i) make investigations and reports re-
13 lating to the administration of the pro-
14 grams and operations of the agency con-
15 cerned;

16 (ii) have access to all records, docu-
17 ments, and other available materials relat-
18 ing to those programs and operations of
19 the agency concerned; and

20 (iii) have direct and prompt access to
21 any official of the agency concerned.

22 (D) COMPLAINTS.—Each designated spe-
23 cialized agency has procedures in place designed
24 to protect the identity of, and to prevent repris-
25 als against, any staff member making a com-

1 plaint or disclosing information to, or cooper-
2 ating in any investigation or inspection by, the
3 inspector general of the agency.

4 (E) COMPLIANCE WITH RECOMMENDA-
5 TIONS.—Each designated specialized agency has
6 in place procedures designed to ensure compli-
7 ance with the recommendations of the inspector
8 general of the agency.

9 (F) AVAILABILITY OF REPORTS.—Each
10 designated specialized agency has in place pro-
11 cedures to ensure that all annual and other rel-
12 evant reports submitted by the inspector gen-
13 eral to the agency are made available to the
14 member states without modification except to
15 the extent necessary to protect the privacy
16 rights of individuals.

17 (3) NEW BUDGET PROCEDURES FOR THE
18 UNITED NATIONS.—The United Nations has estab-
19 lished and is implementing budget procedures that—

20 (A) require the maintenance of a budget
21 not in excess of the level agreed to by the Gen-
22 eral Assembly at the beginning of each United
23 Nations budgetary biennium, unless increases
24 are agreed to by consensus; and

1 (B) require the system-wide identification
2 of expenditures by functional categories such as
3 personnel, travel, and equipment.

4 (4) SUNSET POLICY FOR CERTAIN UNITED NA-
5 TIONS PROGRAMS.—

6 (A) EXISTING AUTHORITY.—The Secretary
7 General and the Director General of each des-
8 ignated specialized agency have used their exist-
9 ing authorities to require program managers
10 within the United Nations Secretariat and the
11 Secretariats of the designated specialized agen-
12 cies to conduct evaluations of United Nations
13 programs approved by the General Assembly,
14 and of programs of the designated specialized
15 agencies, in accordance with the standardized
16 methodology referred to in subparagraph (B).

17 (B) DEVELOPMENT OF EVALUATION CRI-
18 TERIA.—

19 (i) UNITED NATIONS.—The Office of
20 Internal Oversight Services has developed
21 a standardized methodology for the evalua-
22 tion of United Nations programs approved
23 by the General Assembly, including specific
24 criteria for determining the continuing rel-
25 evance and effectiveness of the programs.

1 (ii) DESIGNATED SPECIALIZED AGEN-
2 CIES.—Patterned on the work of the Office
3 of Internal Oversight Services of the
4 United Nations, each designated special-
5 ized agency has developed a standardized
6 methodology for the evaluation of the pro-
7 grams of the agency, including specific cri-
8 teria for determining the continuing rel-
9 evance and effectiveness of the programs.

10 (C) PROCEDURES.—Consistent with the
11 July 16, 1997, recommendations of the Sec-
12 retary General regarding a sunset policy and re-
13 sults-based budgeting for United Nations pro-
14 grams, the United Nations and each designated
15 specialized agency has established and is imple-
16 menting procedures—

17 (i) requiring the Secretary General or
18 the Director General of the agency, as the
19 case may be, to report on the results of
20 evaluations referred to in this paragraph,
21 including the identification of programs
22 that have met criteria for continuing rel-
23 evance and effectiveness and proposals to
24 terminate or modify programs that have
25 not met such criteria; and

1 (ii) authorizing an appropriate body
2 within the United Nations or the agency,
3 as the case may be, to review each evalua-
4 tion referred to in this paragraph and re-
5 port to the General Assembly on means of
6 improving the program concerned or on
7 terminating the program.

8 (D) UNITED STATES POLICY.—It shall be
9 the policy of the United States to seek adoption
10 by the United Nations of a resolution requiring
11 that each United Nations program approved by
12 the General Assembly, and to seek adoption by
13 each designated specialized agency of a resolu-
14 tion requiring that each program of the agency,
15 be subject to an evaluation referred to in this
16 paragraph and have a specific termination date
17 so that the program will not be renewed unless
18 the evaluation demonstrates the continuing rel-
19 evance and effectiveness of the program.

20 (E) DEFINITION.—For purposes of this
21 paragraph, the term “United Nations program
22 approved by the General Assembly” means a
23 program approved by the General Assembly of
24 the United Nations which is administered or
25 funded by the United Nations.

1 (5) UNITED NATIONS ADVISORY COMMITTEE ON
2 ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

3 (A) IN GENERAL.—The United States has
4 a seat on the United Nations Advisory Com-
5 mittee on Administrative and Budgetary Ques-
6 tions or the five largest member contributors
7 each have a seat on the Advisory Committee.

8 (B) DEFINITION.—As used in this para-
9 graph, the term “5 largest member contribu-
10 tors” means the 5 United Nations member
11 states that, during a United Nations budgetary
12 biennium, have more total assessed contribu-
13 tions than any other United Nations member
14 state to the aggregate of the United Nations
15 regular budget and the budget (or budgets) for
16 United Nations peacekeeping operations.

17 (6) ACCESS BY THE GENERAL ACCOUNTING OF-
18 FICE.—The United Nations has in effect procedures
19 providing access by the United States General Ac-
20 counting Office to United Nations financial data to
21 assist the Office in performing nationally mandated
22 reviews of United Nations operations.

23 (7) PERSONNEL.—

24 (A) APPOINTMENT AND SERVICE OF PER-
25 SONNEL.—The Secretary General—

1 (i) has established and is imple-
2 menting procedures that ensure that staff
3 employed by the United Nations is ap-
4 pointed on the basis of merit consistent
5 with Article 101 of the United Nations
6 Charter; and

7 (ii) is enforcing those contractual obli-
8 gations requiring worldwide availability of
9 all professional staff of the United Nations
10 to serve and be relocated based on the
11 needs of the United Nations.

12 (B) CODE OF CONDUCT.—The General As-
13 sembly has adopted, and the Secretary General
14 has the authority to enforce and is effectively
15 enforcing, a code of conduct binding on all
16 United Nations personnel, including the re-
17 quirement of financial disclosure statements
18 binding on senior United Nations personnel and
19 the establishment of rules against nepotism that
20 are binding on all United Nations personnel.

21 (C) PERSONNEL EVALUATION SYSTEM.—
22 The United Nations has adopted and is enforce-
23 ing a personnel evaluation system.

24 (D) PERIODIC ASSESSMENTS.—The United
25 Nations has established and is implementing a

1 mechanism to conduct periodic assessments of
2 the United Nations payroll to determine total
3 staffing, and the results of such assessments
4 are reported in an unabridged form to the Gen-
5 eral Assembly.

6 (E) REVIEW OF UNITED NATIONS ALLOW-
7 ANCE SYSTEM.—The United States has com-
8 pleted a thorough review of the United Nations
9 personnel allowance system. The review shall in-
10 clude a comparison of that system with the
11 United States civil service system, and shall
12 make recommendations to reduce entitlements
13 to allowances and allowance funding levels from
14 the levels in effect on January 1, 1998.

15 (8) REDUCTION IN BUDGET AUTHORITIES.—
16 The designated specialized agencies have achieved
17 zero nominal growth in their biennium budgets for
18 2000–01 from the 1998–99 biennium budget levels
19 of the respective agencies.

20 (9) NEW BUDGET PROCEDURES AND FINANCIAL
21 REGULATIONS.—Each designated specialized agency
22 has established procedures to—

23 (A) require the maintenance of a budget
24 that does not exceed the level agreed to by the
25 member states of the organization at the begin-

ning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

(10) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for any designated specialized agency does not exceed 22 percent for any single member of the agency.

Subtitle C—Miscellaneous Provisions

SEC. 951. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 22

1 U.S.C. 287e note), section 151 of the Foreign Relations
2 Authorization Act, Fiscal Years 1986 and 1987 (Public
3 Law 99–93; 22 U.S.C. 287e note), and section 404 of the
4 Foreign Relations Authorization Act, Fiscal Years 1994
5 and 1995 (Public Law 103–236; 22 U.S.C. 287e note).

6 **SEC. 952. PROHIBITION ON PAYMENTS RELATING TO**
7 **UNIDO AND OTHER INTERNATIONAL ORGANI-**
8 **ZATIONS FROM WHICH THE UNITED STATES**
9 **HAS WITHDRAWN OR RESCINDED FUNDING.**

10 None of the funds authorized to be appropriated by
11 this title shall be used to pay any arrearage for—

12 (1) the United Nations Industrial Development
13 Organization;

14 (2) any costs to merge that organization into
15 the United Nations;

16 (3) the costs associated with any other organi-
17 zation of the United Nations from which the United
18 States has withdrawn including the costs of the
19 merger of such organization into the United Na-
20 tions; or

21 (4) the World Tourism Organization, or any
22 other international organization with respect to
23 which Congress has rescinded funding.

1 **DIVISION B—ARMS CONTROL,**
2 **NONPROLIFERATION, AND SE-**
3 **CURITY ASSISTANCE PROVI-**
4 **SIONS**

5 **SEC. 1001. SHORT TITLE.**

6 This division may be cited as the “Arms Control,
7 Nonproliferation, and Security Assistance Act of 1999”.

8 **TITLE XI—ARMS CONTROL AND**
9 **NONPROLIFERATION**

10 **SEC. 1101. SHORT TITLE.**

11 This title may be cited as the “Arms Control and
12 Nonproliferation Act of 1999”.

13 **SEC. 1102. DEFINITIONS.**

14 In this title:

15 (1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term “appropriate committees of Con-
17 gress” means the Committee on International Rela-
18 tions and the Permanent Select Committee on Intel-
19 ligence of the House of Representatives and the
20 Committee on Foreign Relations and the Select
21 Committee on Intelligence of the Senate.

22 (2) ASSISTANT SECRETARY.—The term “Assist-
23 ant Secretary” means the position of Assistant Sec-
24 retary of State for Verification and Compliance des-
25 ignated under section 1112.

1 (3) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given the term in section
3 105 of title 5, United States Code.

4 (4) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given the
6 term in section 3(4) of the National Security Act of
7 1947 (50 U.S.C. 401a(4)).

8 (5) START TREATY OR TREATY.—The term
9 “START Treaty” or “Treaty” means the Treaty
10 With the Union of Soviet Socialist Republics on the
11 Reduction and Limitation of Strategic Offensive
12 Arms, including all agreed statements, annexes, pro-
13 tocols, and memoranda, signed at Moscow on July
14 31, 1991.

15 (6) START II TREATY.—The term “START II
16 Treaty” means the Treaty Between the United
17 States of America and the Russian Federation on
18 Further Reduction and Limitation of Strategic Of-
19 fensive Arms, and related protocols and memo-
20 randum of understanding, signed at Moscow on Jan-
21 uary 3, 1993.

1 **Subtitle A—Arms Control**
2 **CHAPTER 1—EFFECTIVE VERIFICATION**
3 **OF COMPLIANCE WITH ARMS CON-**
4 **TROL AGREEMENTS**

5 **SEC. 1111. KEY VERIFICATION ASSETS FUND.**

6 (a) IN GENERAL.—The Secretary of State is author-
7 ized to transfer funds available to the Department of State
8 under this section to the Department of Defense, the De-
9 partment of Energy, or any agency, entity, or component
10 of the intelligence community, as needed, for retaining, re-
11 searching, developing, or acquiring technologies or pro-
12 grams relating to the verification of arms control, non-
13 proliferation, and disarmament agreements or commit-
14 ments.

15 (b) PROHIBITION ON REPROGRAMMING.—Notwith-
16 standing any other provision of law, funds made available
17 to carry out this section may not be used for any purpose
18 other than the purposes specified in subsection (a).

19 (c) FUNDING.—Of the total amount of funds author-
20 ized to be appropriated to the Department of State by this
21 Act for the fiscal years 2000 and 2001, \$5,000,000 is au-
22 thorized to be available for each such fiscal year to carry
23 out subsection (a).

1 (d) DESIGNATION OF FUND.—Amounts made avail-
2 able under subsection (c) may be referred to as the “Key
3 Verification Assets Fund”.

4 **SEC. 1112. ASSISTANT SECRETARY OF STATE FOR**
5 **VERIFICATION AND COMPLIANCE.**

6 (a) DESIGNATION OF POSITION.—The Secretary of
7 State shall designate one of the Assistant Secretaries of
8 State authorized by section 1(c)(1) of the State Depart-
9 ment Basic Authorities Act of 1956 (22 U.S.C.
10 2651a(c)(1)) as the Assistant Secretary of State for
11 Verification and Compliance. The Assistant Secretary
12 shall report to the Under Secretary of State for Arms Con-
13 trol and International Security.

14 (b) DIRECTIVE GOVERNING THE ASSISTANT SEC-
15 RETARY OF STATE.—

16 (1) IN GENERAL.—Not later than 30 days after
17 the date of enactment of this Act, the Secretary of
18 State shall issue a directive governing the position of
19 the Assistant Secretary.

20 (2) ELEMENTS OF THE DIRECTIVE.—The direc-
21 tive issued under paragraph (1) shall set forth, con-
22 sistent with this section—

23 (A) the duties of the Assistant Secretary;

1 (B) the relationships between the Assistant
2 Secretary and other officials of the Department
3 of State;

4 (C) any delegation of authority from the
5 Secretary of State to the Assistant Secretary;
6 and

7 (D) such matters as the Secretary con-
8 siderers appropriate.

9 (c) DUTIES.—

10 (1) IN GENERAL.—The Assistant Secretary
11 shall have as his principal responsibility the overall
12 supervision (including oversight of policy and re-
13 sources) within the Department of State of all mat-
14 ters relating to verification and compliance with
15 international arms control, nonproliferation, and dis-
16 armament agreements or commitments.

17 (2) PARTICIPATION OF THE ASSISTANT SEC-
18 RETARY.—

19 (A) PRIMARY ROLE.—Except as provided
20 in subparagraphs (B) and (C), the Assistant
21 Secretary, or his designee, shall participate in
22 all interagency groups or organizations within
23 the executive branch of Government that assess,
24 analyze, or review United States planned or on-
25 going policies, programs, or actions that have a

1 direct bearing on verification or compliance
2 matters, including interagency intelligence com-
3 mittees concerned with the development or ex-
4 ploitation of measurement or signals intel-
5 ligence or other national technical means of
6 verification.

7 (B) REQUIREMENT FOR DESIGNATION.—
8 Subparagraph (A) shall not apply to groups or
9 organizations on which the Secretary of State
10 or the Undersecretary of State for Arms Con-
11 trol and International Security sits, unless such
12 official designates the Assistant Secretary to at-
13 tend in his stead.

14 (C) NATIONAL SECURITY LIMITATION.—

15 (i) WAIVER BY PRESIDENT.—The
16 President may waive the provisions of sub-
17 paragraph (A) if inclusion of the Assistant
18 Secretary would not be in the national se-
19 curity interests of the United States.

20 (ii) WAIVER BY OTHERS.—With re-
21 spect to an interagency group or organiza-
22 tion, or meeting thereof, working with ex-
23 ceptionally sensitive information contained
24 in compartments under the control of the
25 Director of Central Intelligence, the Sec-

1 retary of Defense, or the Secretary of En-
2 ergy, such Director or Secretary, as the
3 case may be, may waive the provision of
4 subparagraph (A) if inclusion of the As-
5 sistant Secretary would not be in the na-
6 tional security interests of the United
7 States.

8 (iii) TRANSMISSION OF WAIVER TO
9 CONGRESS.—Any waiver of participation
10 under clause (i) or (ii) shall be transmitted
11 in writing to the appropriate committees of
12 Congress.

13 (3) RELATIONSHIP TO THE INTELLIGENCE
14 COMMUNITY.—The Assistant Secretary shall be the
15 principal policy community representative to the in-
16 telligence community on verification and compliance
17 matters.

18 (4) REPORTING RESPONSIBILITIES.—The As-
19 sistant Secretary shall have responsibility within the
20 Department of State for—

21 (A) all reports required pursuant to section
22 306 of the Arms Control and Disarmament Act
23 (22 U.S.C. 2577);

24 (B) so much of the report required under
25 paragraphs (4) through (6) of section 403(a) of

1 the Arms Control and Disarmament Act (22
2 U.S.C. 2593a(a)(4) through (6)) as relates to
3 verification or compliance matters; and

4 (C) other reports being prepared by the
5 Department of State as of the date of enact-
6 ment of this Act relating to arms control, non-
7 proliferation, or disarmament verification or
8 compliance matters.

9 **SEC. 1113. ENHANCED ANNUAL (“PELL”) REPORT.**

10 (a) ANNUAL REPORT.—Section 403(a) of the Arms
11 Control and Disarmament Act (22 U.S.C. 2593a(a)) is
12 amended—

13 (1) in paragraph (4)—

14 (A) by inserting “or commitments, includ-
15 ing the Missile Technology Control Regime,”
16 after “agreements” the first time it appears;

17 (B) by inserting “or commitments” after
18 “agreements” the second time it appears;

19 (C) by inserting “or commitment” after
20 “agreement”; and

21 (D) by striking “and” at the end;

22 (2) by striking the period at the end of para-
23 graph (5) and inserting “; and”; and

24 (3) by adding at the end the following:

“(d) Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).”.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of Central Intelligence shall submit to the appropriate committees of Congress a detailed report in classified form. Such report shall include the following:

1 (1) A comprehensive identification of all moni-
2 toring activities associated with the START Treaty
3 and the START II Treaty.

4 (2) The specific intelligence community assets
5 and capabilities, including analytical capabilities,
6 that the Senate was informed, prior to the Senate
7 giving its advice and consent to ratification of the
8 treaties, would be necessary to accomplish those ac-
9 tivities.

10 (3) An identification of the extent to which
11 those assets and capabilities have, or have not, been
12 attained or retained, and the corresponding effect
13 this has had upon United States monitoring con-
14 fidence levels.

15 (4) An assessment of any Russian activities re-
16 lating to the START Treaty which have had an im-
17 pact upon the ability of the United States to monitor
18 Russian adherence to the Treaty.

19 (b) COMPARTMENTED ANNEX.—Exceptionally sen-
20 sitive, compartmented information in the report required
21 by this section may be provided in a compartmented annex
22 submitted to the Select Committee on Intelligence of the
23 Senate and the Permanent Select Committee on Intel-
24 ligence of the House of Representatives.

1 **SEC. 1115. STANDARDS FOR VERIFICATION.**

2 (a) VERIFICATION OF COMPLIANCE.—Section 306(a)
3 of the Arms Control and Disarmament Act (22 U.S.C.
4 2577(a)) is amended in the matter preceding paragraph
5 (1) by striking “adequately”.

6 (b) ASSESSMENTS UPON REQUEST.—Section 306 of
7 the Arms Control and Disarmament Act (22 U.S.C. 2577)
8 is amended—

9 (1) by redesignating subsections (b), (c), and
10 (d) as subsections (c), (d), and (e), respectively; and
11 (2) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) ASSESSMENTS UPON REQUEST.—Upon the re-
14 quest of the chairman or ranking minority member of the
15 Committee on Foreign Relations of the Senate or the
16 Committee on International Relations of the House of
17 Representatives, in case of an arms control, nonprolifera-
18 tion, or disarmament proposal presented to a foreign coun-
19 try by the United States or presented to the United States
20 by a foreign country, the Secretary of State shall submit
21 a report to the Committee on the degree to which elements
22 of the proposal are capable of being verified.”.

23 **SEC. 1116. CONTRIBUTION TO THE ADVANCEMENT OF SEIS-**
24 **MOLOGY.**

25 The United States Government shall, to the max-
26 imum extent practicable, make available to the public in

1 real time, or as quickly as possible, all raw seismological
2 data provided to the United States Government by any
3 international organization that is directly responsible for
4 seismological monitoring.

5 **SEC. 1117. PROTECTION OF UNITED STATES COMPANIES.**

6 (a) REIMBURSEMENT.—During the 2-year period be-
7 ginning on the date of the enactment of this Act, the
8 United States National Authority (as designated pursuant
9 to section 101 of the Chemical Weapons Convention Im-
10 plementation Act of 1998 (as contained in division I of
11 Public Law 105–277)) shall, upon request of the Director
12 of the Federal Bureau of Investigation, reimburse the
13 Federal Bureau of Investigation for all costs incurred by
14 the Bureau for such period in connection with implemen-
15 tation of section 303(b)(2)(A) of that Act, except that
16 such reimbursement may not exceed \$2,000,000 for such
17 2-year period.

18 (b) REPORT.—Not later than 180 days prior to the
19 expiration of the 2-year period described in subsection (a),
20 the Director of the Federal Bureau of Investigation shall
21 prepare and submit to the Committee on International Re-
22 lations of the House of Representatives and the Com-
23 mittee on Foreign Relations of the Senate a report on how
24 activities under section 303(b)(2)(A) of the Chemical
25 Weapons Convention Implementation Act of 1998 will be

1 fully funded and implemented by the Federal Bureau of
2 Investigation notwithstanding the expiration of the 2-year
3 period described in subsection (a).

4 **SEC. 1118. REQUIREMENT FOR TRANSMITTAL OF SUM-**
5 **MARIES.**

6 Whenever a United States delegation engaging in ne-
7 gotiations on arms control, nonproliferation, or disar-
8 mament submits to the Secretary of State a summary of
9 the activities of the delegation or the status of those nego-
10 tiations, a copy of each such summary shall be further
11 transmitted by the Secretary of State to the Committee
12 on Foreign Relations of the Senate and to the Committee
13 on International Relations of the House of Representa-
14 tives promptly.

15 **CHAPTER 2—MATTERS RELATING TO THE**
16 **CONTROL OF BIOLOGICAL WEAPONS**

17 **SEC. 1121. SHORT TITLE.**

18 This chapter may be cited as the “National Security
19 and Corporate Fairness under the Biological Weapons
20 Convention Act”.

21 **SEC. 1122. DEFINITIONS.**

22 In this chapter:

23 (1) **BIOLOGICAL WEAPONS CONVENTION.**—The
24 term “Biological Weapons Convention” means the
25 1972 Convention on the Prohibition of the Develop-

1 ment, Production and Stockpiling of Bacteriological
2 (Biological) and Toxin Weapons and on their De-
3 struction.

4 (2) COMPLIANCE PROTOCOL.—The term “com-
5 pliance protocol” means that segment of a bilateral
6 or multilateral agreement that enables investigation
7 of questions of compliance entailing written data or
8 visits to facilities to monitor compliance.

9 (3) INDUSTRY.—The term “industry” means any cor-
10 porate or private sector entity engaged in the research,
11 development, production, import, and export of peaceful
12 pharmaceuticals and bio-technological and related prod-
13 ucts.

14 **SEC. 1123. FINDINGS.**

15 Congress makes the following findings:

16 (1) The threat of biological weapons and their
17 proliferation is one of the greatest national security
18 threats facing the United States.

19 (2) The threat of biological weapons and mate-
20 rials represents a serious and increasing danger to
21 people around the world.

22 (3) Biological weapons are relatively inexpensive
23 to produce, can be made with readily available exper-
24 tise and equipment, do not require much space to
25 make and can therefore be readily concealed, do not

1 require unusual raw materials or materials not read-
2 ily available for legitimate purposes, do not require
3 the maintenance of stockpiles, or can be delivered
4 with low-technology mechanisms, and can effect
5 widespread casualties even in small quantities.

6 (4) Unlike other weapons of mass destruction,
7 biological materials capable of use as weapons can
8 occur naturally in the environment and are also used
9 for medicinal or other beneficial purposes.

10 (5) Biological weapons are morally reprehens-
11 sible, prompting the United States Government to
12 halt its offensive biological weapons program in
13 1969, subsequently destroy its entire biological
14 weapons arsenal, and maintain henceforth only a ro-
15 bust defensive capacity.

16 (6) The Senate gave its advice and consent to
17 ratification of the Biological Weapons Convention in
18 1974.

19 (7) The Director of the Arms Control and Dis-
20 armament Agency explained, at the time of the Sen-
21 ate's consideration of the Biological Weapons Con-
22 vention, that the treaty contained no verification
23 provisions because verification would be "difficult".

1 (8) A compliance protocol has now been pro-
2 posed to strengthen the 1972 Biological Weapons
3 Convention.

4 (9) The resources needed to produce, stockpile,
5 and store biological weapons are the same as those
6 used in peaceful industry facilities to discover, de-
7 velop, and produce medicines.

8 (10) The raw materials of biological agents are
9 difficult to use as an indicator of an offensive mili-
10 tary program because the same materials occur in
11 nature or can be used to produce a wide variety of
12 products.

13 (11) Some biological products are genetically
14 manipulated to develop new commercial products,
15 optimizing production and ensuring the integrity of
16 the product, making it difficult to distinguish be-
17 tween legitimate commercial activities and offensive
18 military activities.

19 (12) Only a small culture of a biological agent
20 and some growth medium are needed to produce a
21 large amount of biological agents with the potential
22 for offensive purposes.

23 (13) The United States pharmaceutical and bio-
24 technology industries are a national asset and re-
25 source that contribute to the health and well-being

1 of the American public as well as citizens around the
2 world.

3 (14) One bacterium strain can represent a large
4 proportion of a company's investment in a pharma-
5 ceutical product and thus its potential loss during an
6 arms control monitoring activity could conceivably be
7 worth billions of dollars.

8 (15) Biological products contain proprietary ge-
9 netic information.

10 (16) The proposed compliance regime for the
11 Biological Weapons Convention entails new data re-
12 porting and investigation requirements for industry.

13 (17) A compliance regime which contributes to
14 the control of biological weapons and materials must
15 have a reasonable chance of success in reducing the
16 risk of production, stockpiling, or use of biological
17 weapons while protecting the reputations, intellectual
18 property, and confidential business information of le-
19 gitimate companies.

20 **SEC. 1124. TRIAL INVESTIGATIONS AND TRIAL VISITS.**

21 (a) NATIONAL SECURITY TRIAL INVESTIGATIONS
22 AND TRIAL VISITS.—The President shall conduct a series
23 of national security trial investigations and trial visits,
24 both during and following negotiations to develop a com-
25 pliance protocol to the Biological Weapons Convention,

1 with the objective of ensuring that the compliance proce-
2 dures of the protocol are effective and adequately protect
3 the national security of the United States. These trial in-
4 vestigations and trial visits shall be conducted at such
5 sites as United States Government facilities, installations,
6 and national laboratories.

7 (b) UNITED STATES INDUSTRY TRIAL INVESTIGA-
8 TIONS AND TRIAL VISITS.—The President shall take all
9 appropriate steps to conduct or sponsor a series of United
10 States industry trial investigations and trial visits, both
11 during and following negotiations to develop a compliance
12 protocol to the Biological Weapons Convention, with the
13 objective of ensuring that the compliance procedures of the
14 protocol are effective and adequately protect the national
15 security and the concerns of affected United States indus-
16 tries and research institutions. These trial investigations
17 and trial visits shall be conducted at such sites as aca-
18 demic institutions, vaccine production facilities, and phar-
19 maceutical and biotechnology firms in the United States.

20 (c) PARTICIPATION BY DEFENSE DEPARTMENT AND
21 OTHER APPROPRIATE PERSONNEL.—The Secretary of
22 Defense and, as appropriate, the Director of the Federal
23 Bureau of Investigation shall make available specialized
24 personnel to participate—

1 (1) in each trial investigation or trial visit con-
2 ducted pursuant to subsection (a); and

3 (2) in each trial investigation or trial visit con-
4 ducted pursuant to subsection (b), except for any in-
5 vestigation or visit in which the host facility requests
6 that such personnel not participate,
7 for the purpose of assessing the information security im-
8 plications of such investigation or visit. The Secretary of
9 Defense, in coordination with the Director of the Federal
10 Bureau of Investigation, shall add to the report required
11 by subsection (d)(2) a classified annex containing an as-
12 sessment of the risk to proprietary and classified informa-
13 tion posed by any investigation or visit procedures in the
14 compliance protocol.

15 (d) STUDY.—

16 (1) IN GENERAL.—The President shall conduct
17 a study on the need for investigations and visits
18 under the compliance protocol to the Biological
19 Weapons Convention, including—

20 (A) an assessment of risks to national se-
21 curity and United States industry and research
22 institutions of such on-site activities; and

23 (B) an assessment of the monitoring re-
24 sults that can be expected from such investiga-
25 tions and visits.

1 (2) REPORT.—Not later than the date on which
 2 a compliance protocol to the Biological Weapons
 3 Convention is submitted to the Senate for its advice
 4 and consent to ratification, the President shall sub-
 5 mit to the Committee on Foreign Relations of the
 6 Senate a report, in both unclassified and classified
 7 form, setting forth—

8 (A) the findings of the study conducted
 9 pursuant to paragraph (1); and

10 (B) the results of trial investigations and
 11 trial visits conducted pursuant to subsections
 12 (a) and (b).

13 **Subtitle B—Nuclear Nonprolifera-**
 14 **tion, Safety, and Related Mat-**
 15 **ters**

16 **SEC. 1131. CONGRESSIONAL NOTIFICATION OF NON-**
 17 **PROLIFERATION ACTIVITIES.**

18 Section 602(c) of the Nuclear Non-Proliferation Act
 19 of 1978 (22 U.S.C. 3282(c)) is amended to read as fol-
 20 lows:

21 “(c)(1) The Department of State, the Department of
 22 Defense, the Department of Commerce, the Department
 23 of Energy, the Commission, and, with regard to subpara-
 24 graph (B), the Director of Central Intelligence, shall keep
 25 the Committees on Foreign Relations and Governmental

1 Affairs of the Senate and the Committee on International
2 Relations of the House of Representatives fully and cur-
3 rently informed with respect to—

4 “(A) their activities to carry out the purposes
5 and policies of this Act and to otherwise prevent
6 proliferation, including the proliferation of nuclear,
7 chemical, or biological weapons, or their means of
8 delivery; and

9 “(B) the current activities of foreign nations
10 which are of significance from the proliferation
11 standpoint.

12 “(2) For the purposes of this subsection with respect
13 to paragraph (1)(B), the phrase ‘fully and currently in-
14 formed’ means the transmittal of credible information not
15 later than 60 days after becoming aware of the activity
16 concerned.”.

17 **SEC. 1132. EFFECTIVE USE OF RESOURCES FOR NON-**
18 **PROLIFERATION PROGRAMS.**

19 (a) PROHIBITION.—Except as provided in subsection
20 (b), no assistance may be provided by the United States
21 Government to any person who is involved in the research,
22 development, design, testing, or evaluation of chemical or
23 biological weapons for offensive purposes.

24 (b) EXCEPTION.—The prohibition contained in sub-
25 section (a) shall not apply to any activity conducted pursu-

1 ant to title V of the National Security Act of 1947 (50
2 U.S.C. 413 et seq.).

3 **SEC. 1133. DISPOSITION OF WEAPONS-GRADE MATERIAL.**

4 (a) REPORT ON REDUCTION OF THE STOCKPILE.—

5 Not later than 120 days after signing an agreement be-
6 tween the United States and Russia for the disposition
7 of excess weapons plutonium, the Secretary of Energy,
8 with the concurrence of the Secretary of Defense, shall
9 submit to the Committee on Foreign Relations and the
10 Committee on Armed Services of the Senate and to the
11 Committee on International Relations and the Committee
12 on Armed Services of the House of Representatives a
13 report—

14 (1) detailing plans for United States implemen-
15 tation of such agreement;

16 (2) identifying, in classified form, the number
17 of United States warhead “pits” of each type
18 deemed “excess” for the purpose of dismantlement
19 or disposition; and

20 (3) describing any implications this may have
21 for the Stockpile Stewardship and Management Pro-
22 gram.

23 (b) SUBMISSION OF THE FABRICATION FACILITY
24 AGREEMENT PURSUANT TO LAW.—Whenever the Presi-
25 dent submits to Congress the agreement to establish a

1 mixed oxide fuel fabrication or production facility in Rus-
2 sia pursuant to section 123 of the Atomic Energy Act of
3 1954 (42 U.S.C. 2153), it is the sense of the Congress
4 that the Secretary of State should be prepared to certify
5 to the Committee on Foreign Relations of the Senate and
6 the Committee on International Relations of the House
7 Representatives that—

8 (1) arrangements for the establishment of that
9 facility will further United States nuclear non-
10 proliferation objectives and will outweigh the pro-
11 liferation risks inherent in the use of mixed oxide
12 fuel elements;

13 (2) a guaranty has been given by Russia that
14 no fuel elements produced, fabricated, reprocessed,
15 or assembled at such facility, and no sensitive nu-
16 clear technology related to such facility, will be ex-
17 ported or supplied by Russia to any country in the
18 event that the United States objects to such export
19 or supply; and

20 (3) a guaranty has been given by Russia that
21 the facility and all nuclear materials and equipment
22 therein, and any fuel elements or special nuclear ma-
23 terial produced, fabricated, reprocessed, or assem-
24 bled at that facility, including fuel elements exported
25 or supplied by Russia to a third party, will be sub-

1 ject to international monitoring and transparency
2 sufficient to ensure that special nuclear material is
3 not diverted.

4 (c) DEFINITIONS.—

5 (1) PRODUCED.—The terms “produce” and
6 “produced” have the same meaning that such terms
7 are given under section 11 u. of the Atomic Energy
8 Act of 1954.

9 (2) PRODUCTION FACILITY.—The term “pro-
10 duction facility” has the same meaning that such
11 term is given under section 11 v. of the Atomic En-
12 ergy Act of 1954.

13 (3) SPECIAL NUCLEAR MATERIAL.—The term
14 “special nuclear material” has the meaning that
15 such term is given under section 11 aa. of the Atom-
16 ic Energy Act of 1954.

17 **SEC. 1134. PROVISION OF CERTAIN INFORMATION TO CON-**
18 **GRESS.**

19 (a) REQUIREMENT TO PROVIDE INFORMATION.—The
20 head of each department and agency described in section
21 602(c) of the Nuclear Non-Proliferation Act of 1978 (22
22 U.S.C. 3282(c)) shall promptly provide information to the
23 chairman and ranking minority member of the Committee
24 on Foreign Relations of the Senate and the Committee
25 on International Relations of the House of Representa-

1 tives in meeting the requirements of subsection (c) or (d)
2 of section 602 of such Act.

3 (b) ISSUANCE OF DIRECTIVES.—Not later than Feb-
4 ruary 1, 2000, the Secretary of State, the Secretary of
5 Defense, the Secretary of Commerce, the Secretary of En-
6 ergy, the Director of Central Intelligence, and the Chair-
7 man of the Nuclear Regulatory Commission shall issue di-
8 rectives, which shall provide access to information, includ-
9 ing information contained in special access programs, to
10 implement their responsibilities under subsections (c) and
11 (d) of section 602 of the Nuclear Non-Proliferation Act
12 of 1978 (22 U.S.C. 3282(c) and (d)). Copies of such direc-
13 tives shall be forwarded promptly to the Committee on
14 Foreign Relations of the Senate and the Committee on
15 International Relations of the House of Representatives
16 upon the issuance of the directives.

17 **SEC. 1135. AMENDED NUCLEAR EXPORT REPORTING RE-**
18 **QUIREMENT.**

19 Section 1523 of the Strom Thurmond National De-
20 fense Authorization Act for Fiscal Year 1999 (Public Law
21 105–261; 112 Stat. 2180; 42 U.S.C. 2155 note) is
22 amended—

23 (1) by striking “Congress” and inserting “the
24 Committee on Foreign Relations of the Senate and

1 the Committee on International Relations of the
2 House of Representatives”; and

3 (2) by adding at the end the following:

4 “(c) CONTENT OF NOTIFICATION.—The notification
5 required pursuant to this section shall include—

6 “(1) a detailed description of the articles or
7 services to be exported or reexported, including a
8 brief description of the capabilities of any article to
9 be exported or reexported;

10 “(2) an estimate of the number of officers and
11 employees of the United States Government and of
12 United States Government civilian contract per-
13 sonnel expected to be required in such country to
14 carry out the proposed export or reexport;

15 “(3) the name of each licensee expected to pro-
16 vide the article or service proposed to be sold and a
17 description from the licensee of any offset agree-
18 ments proposed to be entered into in connection with
19 such sale (if known on the date of transmittal of
20 such statement);

21 “(4) the projected delivery dates of the articles
22 or services to be exported or reexported; and

23 “(5) the extent to which the recipient country
24 in the previous two years has engaged in any of the

1 actions specified in subparagraph (A), (B), or (C) of
2 section 129(2) of the Atomic Energy Act of 1954.

3 **SEC. 1136. ADHERENCE TO THE MISSILE TECHNOLOGY**
4 **CONTROL REGIME.**

5 (a) CLARIFICATION OF REQUIREMENT FOR CON-
6 TROL.—Section 74 of the Arms Export Control Act (22
7 U.S.C. 2797c) is amended—

8 (1) by inserting “(a) IN GENERAL.—” before
9 “For purposes of”; and

10 (2) by adding at the end the following:

11 “(b) INTERNATIONAL UNDERSTANDING DEFINED.—
12 For purposes of subsection (a)(3), as it relates to any
13 international understanding concluded with the United
14 States after January 1, 2000, the term ‘international un-
15 derstanding’ means—

16 “(1) any specific agreement by a country not to
17 export, transfer, or otherwise engage in the trade of
18 any MTCR equipment or technology that contributes
19 to the acquisition, design, development, or produc-
20 tion of missiles in a country that is not an MTCR
21 adherent and would be, if it were United States-ori-
22 gin equipment or technology, subject to the jurisdic-
23 tion of the United States under this Act; or

24 “(2) any specific understanding by a country
25 that, notwithstanding section 73(b) of this Act, the

1 United States retains the right to take the actions
2 under section 73(a)(2) of this Act in the case of any
3 export or transfer of any MTCR equipment or tech-
4 nology that contributes to the acquisition, design,
5 development, or production of missiles in a country
6 that is not an MTCR adherent and would be, if it
7 were United States-origin equipment or technology,
8 subject to the jurisdiction of the United States
9 under this Act.”.

10 (b) CLARIFICATION OF APPLICABILITY.—Section
11 73(b) of the Arms Export Control Act (22 U.S.C.
12 2797b(b)) is amended—

13 (1) by redesignating paragraphs (1) and (2) as
14 subparagraphs (A) and (B), respectively, and mov-
15 ing such subparagraphs 2 ems to the right;

16 (2) by striking “Subsection (a)” and inserting
17 the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), subsection (a)”;

20 (3) by adding at the end the following:

21 “(2) LIMITATION.—Notwithstanding paragraph
22 (1), subsection (a) shall apply to an entity subordi-
23 nate to a government that engages in exports or
24 transfers described in section 498A(b)(3)(A) of the

1 Foreign Assistance Act of 1961 (22 U.S.C.
2 2295a(b)(3)(A)).”.

3 (c) ENFORCEMENT ACTIONS.—Section 73(c) of the
4 Arms Export Control Act (22 U.S.C. 2797b(c)) is amend-
5 ed by inserting before the period at the end the following:
6 “, and if the President certifies to the Committee on For-
7 eign Relations of the Senate and the Committee on Inter-
8 national Relations of the House of Representatives that—

9 “(1) for any judicial or other enforcement ac-
10 tion taken by the MTCR adherent, such action
11 has—

12 “(A) been comprehensive; and

13 “(B) been performed to the satisfaction of
14 the United States; and

15 “(2) with respect to any finding of innocence of
16 wrongdoing, the United States is satisfied with the
17 basis for such finding”.

18 (d) POLICY REPORT.—Section 73A of the Arms Ex-
19 port Control Act (22 U.S.C. 2797b–1) is amended—

20 (1) by striking “Following any action” and in-
21 serting the following:

22 “(a) POLICY REPORT.—Following any action”; and

23 (2) by adding at the end the following:

24 “(b) INTELLIGENCE ASSESSMENT REPORT.—At such
25 times that a report is transmitted pursuant to subsection

1 (a), the Director of Central Intelligence shall promptly
 2 prepare and submit to the Congress a separate report con-
 3 taining any credible information indicating that the coun-
 4 try described in subsection (a) has engaged in any activity
 5 identified under subparagraph (A), (B), or (C) of section
 6 73(a)(1) within the previous two years.”.

7 (e) MTCR DEFINED.—The term “MTCR” means
 8 the Missile Technology Control Regime, as defined in sec-
 9 tion 74(a)(2) of the Arms Export Control Act (22 U.S.C.
 10 2797c(a)(2)).

11 **SEC. 1137. AUTHORITY RELATING TO MTCR ADHERENTS.**

12 Chapter 7 of the Arms Export Control Act (22
 13 U.S.C. 2797 et seq.) is amended by inserting after section
 14 73A the following new section:

15 **“SEC. 73B. AUTHORITY RELATING TO MTCR ADHERENTS.**

16 “Notwithstanding section 73(b), the President may
 17 take the actions under section 73(a)(2) under the cir-
 18 cumstances described in section 74(b)(2).”.

19 **SEC. 1138. TRANSFER OF FUNDING FOR SCIENCE AND**
 20 **TECHNOLOGY CENTERS IN THE FORMER SO-**
 21 **VIET UNION.**

22 (a) AUTHORIZATION.—For fiscal year 2001 and sub-
 23 sequent fiscal years, funds made available under “Non-
 24 proliferation, Antiterrorism, Demining, and Related Pro-
 25 grams” accounts in annual foreign operations appropria-

1 tions Acts are authorized to be available for science and
2 technology centers in the independent states of the former
3 Soviet Union assisted under section 503(a)(5) of the
4 FREEDOM Support Act (22 U.S.C. 5853(a)(5)) or sec-
5 tion 1412(b)(5) of the Former Soviet Union Demilitariza-
6 tion Act of 1992 (title XIV of Public Law 102–484; 22
7 U.S.C. 5901 et seq.), including the use of those and other
8 funds by any Federal agency having expertise and pro-
9 grams related to the activities carried out by those centers,
10 including the Departments of Agriculture, Commerce, and
11 Health and Human Services and the Environmental Pro-
12 tection Agency.

13 (b) AVAILABILITY OF FUNDS.—Amounts made avail-
14 able under any provision of law for the activities described
15 in subsection (a) shall be available until expended and may
16 be used notwithstanding any other provision of law.

17 **SEC. 1139. RESEARCH AND EXCHANGE ACTIVITIES BY**
18 **SCIENCE AND TECHNOLOGY CENTERS.**

19 (a) IN GENERAL.—Support for science and tech-
20 nology centers in the independent states of the former So-
21 viet Union, as authorized by section 503(a)(5) of the
22 FREEDOM Support Act (22 U.S.C. 5853(a)(5)) and sec-
23 tion 1412(b) of the Former Soviet Union Demilitarization
24 Act of 1992 (title XIV of Public Law 102–484, 22 U.S.C.
25 5901 et seq.), is authorized for activities described in sub-

1 section (b) to support the redirection of former Soviet
2 weapons scientists, especially those with expertise in weap-
3 ons of mass destruction (nuclear, radiological, chemical,
4 biological), missile and other delivery systems, and other
5 advanced technologies with military applications.

6 (b) ACTIVITIES SUPPORTED.—Activities supported
7 under subsection (a) include—

8 (1) any research activity involving the participa-
9 tion of former Soviet weapons scientists and civilian
10 scientists and engineers, if the participation of the
11 weapons scientists predominates; and

12 (2) any program of international exchanges
13 that would provide former Soviet weapons scientists
14 exposure to, and the opportunity to develop relations
15 with, research and industry partners.

16 **TITLE XII—SECURITY**
17 **ASSISTANCE**

18 **SEC. 1201. SHORT TITLE.**

19 This title may be cited as the “Security Assistance
20 Act of 1999”.

**Subtitle A—Transfers of Excess
Defense Articles**

**SEC. 1211. EXCESS DEFENSE ARTICLES FOR CENTRAL AND
SOUTHERN EUROPEAN COUNTRIES.**

(a) TRANSPORTATION AND RELATED COSTS.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking “1999 and 2000” and inserting “2000 and 2001”.

(b) EXCESS DEFENSE ARTICLES FOR GREECE AND TURKEY.—Section 516(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)(2)) is amended by inserting after “four-year period beginning on October 1, 1996,” the following: “and thereafter for the four-period beginning on October 1, 2000,”.

**SEC. 1212. EXCESS DEFENSE ARTICLES FOR CERTAIN
OTHER COUNTRIES.**

(a) USES FOR WHICH FUNDS ARE AVAILABLE.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2000 and 2001, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan,

1 Latvia, Lithuania, Moldova, Poland, Slovakia, Ukraine,
2 and Uzbekistan.

3 (b) CONTENT OF CONGRESSIONAL NOTIFICATION.—
4 Each notification required to be submitted under section
5 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C.
6 2321j(f)) with respect to a proposed transfer of a defense
7 article described in subsection (a) shall include an esti-
8 mate of the amount of funds to be expended under sub-
9 section (a) with respect to that transfer.

10 **SEC. 1213. INCREASE IN ANNUAL LIMITATION ON TRANS-**
11 **FER OF EXCESS DEFENSE ARTICLES.**

12 Section 516(g)(1) of the Foreign Assistance Act of
13 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking
14 “\$350,000,000” and inserting “\$425,000,000”.

15 **Subtitle B—Foreign Military Sales**
16 **Authorities**

17 **SEC. 1221. TERMINATION OF FOREIGN MILITARY TRAINING.**

18 Section 617 of the Foreign Assistance Act of 1961
19 (22 U.S.C. 2367) is amended by adding at the end the
20 following new sentence: “Such expenses for orderly termi-
21 nation of programs under the Arms Export Control Act
22 may include the obligation and expenditure of funds to
23 complete the training or studies outside the countries of
24 origin of students whose course of study or training pro-
25 gram began before assistance was terminated, as long as

1 the origin country's termination was not a result of activi-
2 ties beyond default of financial responsibilities.”.

3 **SEC. 1222. SALES OF EXCESS COAST GUARD PROPERTY.**

4 Section 21(a)(1) of the Arms Export Control Act (22
5 U.S.C. 2761(a)(1)) is amended in the matter preceding
6 subparagraph (A) by inserting “and the Coast Guard”
7 after “Department of Defense”.

8 **SEC. 1223. COMPETITIVE PRICING FOR SALES OF DEFENSE**
9 **ARTICLES.**

10 Section 22(d) of the Arms Export Control Act (22
11 U.S.C. 2762(d)) is amended—

12 (1) by striking “Procurement contracts” and
13 inserting “(1) Procurement contracts”; and

14 (2) by adding at the end the following:

15 “(2) Direct costs associated with meeting additional
16 or unique requirements of the purchaser shall be allowable
17 under contracts described in paragraph (1). Loadings ap-
18 plicable to such direct costs shall be permitted at the same
19 rates applicable to procurement of like items purchased
20 by the Department of Defense for its own use.”.

21 **SEC. 1224. NOTIFICATION OF UPGRADES TO DIRECT COM-**
22 **MERCIAL SALES.**

23 Section 36(c) of the Arms Export Control Act (22
24 U.S.C. 2776(c)) is amended by adding at the end the fol-
25 lowing new paragraph:

1 “(4) The provisions of subsection (b)(5) shall apply
2 to any equipment, article, or service for which a numbered
3 certification has been transmitted to Congress pursuant
4 to paragraph (1) in the same manner and to the same
5 extent as that subsection applies to any equipment, article,
6 or service for which a numbered certification has been
7 transmitted to Congress pursuant to subsection (b)(1).
8 For purposes of such application, any reference in sub-
9 section (b)(5) to ‘a letter of offer’ or ‘an offer’ shall be
10 deemed to be a reference to ‘a contract’.”.

11 **SEC. 1225. UNAUTHORIZED USE OF DEFENSE ARTICLES.**

12 Section 3 of the Arms Export Control Act (22 U.S.C.
13 2753) is amended by adding at the end the following new
14 subsection:

15 “(g) Any agreement for the sale or lease of any article
16 on the United States Munitions List entered into by the
17 United States Government after the date of enactment of
18 this subsection shall state that the United States Govern-
19 ment retains the right to verify credible reports that such
20 article has been used for a purpose not authorized under
21 section 4 or, if such agreement provides that such article
22 may only be used for purposes more limited than those
23 authorized under section 4, for a purpose not authorized
24 under such agreement.”.

1 **Subtitle C—Stockpiling of Defense**
2 **Articles for Foreign Countries**

3 **SEC. 1231. ADDITIONS TO UNITED STATES WAR RESERVE**
4 **STOCKPILES FOR ALLIES.**

5 Paragraph (2) of section 514(b) of the Foreign As-
6 sistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended
7 to read as follows:

8 “(2)(A) The value of such additions to stockpiles of
9 defense articles in foreign countries shall not exceed
10 \$60,000,000 for fiscal year 2000.

11 “(B) Of the amount specified in subparagraph (A),
12 not more than \$40,000,000 may be made available for
13 stockpiles in the Republic of Korea and not more than
14 \$20,000,000 may be made available for stockpiles in Thai-
15 land.”.

16 **SEC. 1232. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS**
17 **DEFENSE ARTICLES IN THE WAR RESERVES**
18 **STOCKPILE FOR ALLIES.**

19 (a) ITEMS IN THE KOREAN STOCKPILE.—

20 (1) IN GENERAL.—Notwithstanding section 514
21 of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2321h), the President is authorized to transfer to
23 the Republic of Korea, in return for concessions to
24 be negotiated by the Secretary of Defense, with the

1 concurrence of the Secretary of State, any or all of
2 the items described in paragraph (2).

3 (2) COVERED ITEMS.—The items referred to in
4 paragraph (1) are munitions, equipment, and mate-
5 rial such as tanks, trucks, artillery, mortars, general
6 purpose bombs, repair parts, ammunition, barrier
7 material, and ancillary equipment, if such items
8 are—

9 (A) obsolete or surplus items;

10 (B) in the inventory of the Department of
11 Defense;

12 (C) intended for use as reserve stocks for
13 the Republic of Korea; and

14 (D) as of the date of the enactment of this
15 Act, located in a stockpile in the Republic of
16 Korea.

17 (b) ITEMS IN THE THAILAND STOCKPILE.—

18 (1) IN GENERAL.—Notwithstanding section 514
19 of the Foreign Assistance Act of 1961 (22 U.S.C.
20 2321h), the President is authorized to transfer to
21 Thailand, in return for concessions to be negotiated
22 by the Secretary of Defense, with the concurrence of
23 the Secretary of State, any or all of the items de-
24 scribed in paragraph (2).

1 (2) COVERED ITEMS.—The items referred to in
2 paragraph (1) are munitions, equipment, and mate-
3 rial such as tanks, trucks, artillery, mortars, general
4 purpose bombs, repair parts, ammunition, barrier
5 material, and ancillary equipment, if such items
6 are—

7 (A) obsolete or surplus items;

8 (B) in the inventory of the Department of
9 Defense;

10 (C) intended for use as reserve stocks for
11 Thailand; and

12 (D) as of the date of the enactment of this
13 Act, located in a stockpile in Thailand.

14 (c) VALUATION OF CONCESSIONS.—The value of con-
15 cessions negotiated pursuant to subsections (a) and (b)
16 shall be at least equal to the fair market value of the items
17 transferred. The concessions may include cash compensa-
18 tion, services, waiver of charges otherwise payable by the
19 United States, and other items of value.

20 (d) PRIOR NOTIFICATIONS OF PROPOSED TRANS-
21 FERS.—Not less than 30 days before making a transfer
22 under the authority of this section, the President shall
23 transmit to the Committee on Foreign Relations of the
24 Senate and the Committee on International Relations of
25 the House of Representatives a detailed notification of the

1 proposed transfer, which shall include an identification of
2 the items to be transferred and the concessions to be re-
3 ceived.

4 (e) TERMINATION OF AUTHORITY.—No transfer may
5 be made under the authority of this section more than 3
6 years after the date of the enactment of this Act.

7 **Subtitle D—Defense Offsets**

8 **Disclosure**

9 **SEC. 1241. SHORT TITLE.**

10 This subtitle may be cited as the “Defense Offsets
11 Disclosure Act of 1999”.

12 **SEC. 1242. FINDINGS AND DECLARATION OF POLICY.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) A fair business environment is necessary to
16 advance international trade, economic stability, and
17 development worldwide, is beneficial for American
18 workers and businesses, and is in the United States
19 national interest.

20 (2) In some cases, mandated offset require-
21 ments can cause economic distortions in inter-
22 national defense trade and undermine fairness and
23 competitiveness, and may cause particular harm to
24 small- and medium-sized businesses.

1 (3) The use of offsets may lead to increasing
2 dependence on foreign suppliers for the production
3 of United States weapons systems.

4 (4) The offset demands required by some pur-
5 chasing countries, including some close allies of the
6 United States, equal or exceed the value of the base
7 contract they are intended to offset, mitigating much
8 of the potential economic benefit of the exports.

9 (5) Offset demands often unduly distort the
10 prices of defense contracts.

11 (6) In some cases, United States contractors
12 are required to provide indirect offsets which can
13 negatively impact nondefense industrial sectors.

14 (7) Unilateral efforts by the United States to
15 prohibit offsets may be impractical in the current
16 era of globalization and would severely hinder the
17 competitiveness of the United States defense indus-
18 try in the global market.

19 (8) The development of global standards to
20 manage and restrict demands for offsets would en-
21 hance United States efforts to mitigate the negative
22 impact of offsets.

23 (b) DECLARATION OF POLICY.—It is the policy of the
24 United States to monitor the use of offsets in international
25 defense trade, to promote fairness in such trade, and to

1 ensure that foreign participation in the production of
2 United States weapons systems does not harm the econ-
3 omy of the United States.

4 **SEC. 1243. DEFINITIONS.**

5 In this subtitle:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations of
10 the Senate; and

11 (B) the Committee on International Rela-
12 tions of the House of Representatives.

13 (2) G-8.—The term “G-8” means the group
14 consisting of France, Germany, Japan, the United
15 Kingdom, the United States, Canada, Italy, and
16 Russia established to facilitate economic cooperation
17 among the eight major economic powers.

18 (3) OFFSET.—The term “offset” means the en-
19 tire range of industrial and commercial benefits pro-
20 vided to foreign governments as an inducement or
21 condition to purchase military goods or services, in-
22 cluding benefits such as coproduction, licensed pro-
23 duction, subcontracting, technology transfer, in-
24 country procurement, marketing and financial assist-
25 ance, and joint ventures.

1 (4) TRANSATLANTIC ECONOMIC PARTNER-
2 SHIP.—The term “Transatlantic Economic Partner-
3 ship” means the joint commitment made by the
4 United States and the European Union to reinforce
5 their close relationship through an initiative involv-
6 ing the intensification and extension of multilateral
7 and bilateral cooperation and common actions in the
8 areas of trade and investment.

9 (5) WASSENAAR ARRANGEMENT.—The term
10 “Wassenaar Arrangement” means the multilateral
11 export control regime in which the United States
12 participates that seeks to promote transparency and
13 responsibility with regard to transfers of conven-
14 tional armaments and sensitive dual-use items.

15 (6) WORLD TRADE ORGANIZATION.—The term
16 “World Trade Organization” means the organization
17 established pursuant to the WTO Agreement.

18 (7) WTO AGREEMENT.—The term “WTO
19 Agreement” means the Agreement Establishing the
20 World Trade Organization entered into on April 15,
21 1994.

22 **SEC. 1244. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24 (1) the executive branch should pursue efforts
25 to address trade fairness by establishing reasonable,

1 business-friendly standards for the use of offsets in
2 international business transactions between the
3 United States and its trading partners and competi-
4 tors;

5 (2) the Secretary of Defense, the Secretary of
6 State, the Secretary of Commerce, and the United
7 States Trade Representative, or their designees,
8 should raise with other industrialized nations at
9 every suitable venue the need for transparency and
10 reasonable standards to govern the role of offsets in
11 international defense trade;

12 (3) the United States Government should enter
13 into discussions regarding the establishment of mul-
14 tilateral standards for the use of offsets in inter-
15 national defense trade through the appropriate mul-
16 tilateral fora, including such organizations as the
17 Transatlantic Economic Partnership, the Wassenaar
18 Arrangement, the G-8, and the World Trade Orga-
19 nization; and

20 (4) the United States Government, in entering
21 into the discussions described in paragraph (3),
22 should take into account the distortions produced by
23 the provision of other benefits and subsidies, such as
24 export financing, by various countries to support de-
25 fense trade.

1 **SEC. 1245. REPORTING OF OFFSET AGREEMENTS.**

2 (a) INITIAL REPORTING OF OFFSET AGREEMENTS.—

3 (1) GOVERNMENT-TO-GOVERNMENT SALES.—

4 Section 36(b)(1) of the Arms Export Control Act
5 (22 U.S.C. 2776(b)(1)) is amended in subparagraph
6 (C) of the fifth sentence, by striking “and a descrip-
7 tion” and all that follows and inserting “and a de-
8 scription of any offset agreement with respect to
9 such sale;”.

10 (2) COMMERCIAL SALES.—Section 36(c)(1) of
11 the Arms Export Control Act (22 U.S.C.
12 2776(c)(1)) is amended in the second sentence, by
13 striking “(if known on the date of transmittal of
14 such certification)” and inserting “and a description
15 of any such offset agreement”.

16 (b) CONFIDENTIALITY OF INFORMATION RELATING
17 TO OFFSET AGREEMENTS.—Section 36 of the Arms Ex-
18 port Control Act (22 U.S.C. 2776) is amended—

19 (1) by redesignating the second subsection (e)
20 (as added by section 155 of Public Law 104–164)
21 as subsection (f); and

22 (2) by adding at the end the following new sub-
23 section:

24 “(g) Information relating to offset agreements pro-
25 vided pursuant to subparagraph (C) of the fifth sentence
26 of subsection (b)(1) and the second sentence of subsection

1 (c)(1) shall be treated as confidential information in ac-
2 cordance with section 12(c) of the Export Administration
3 Act of 1979 (50 U.S.C. App. 2411(c)).”.

4 **SEC. 1246. EXPANDED PROHIBITION ON INCENTIVE PAY-**
5 **MENTS.**

6 (a) IN GENERAL.—Section 39A(a) of the Arms Ex-
7 port Control Act (22 U.S.C. 2779a(a)) is amended—

8 (1) by inserting “or licensed” after “sold”; and

9 (2) by inserting “or export” after “sale”.

10 (b) DEFINITION OF UNITED STATES PERSON.—Sec-
11 tion 39A(d)(3)(B)(ii) of the Arms Export Control Act (22
12 U.S.C. 2779a(d)(3)(B)(ii)) is amended by inserting “or by
13 an entity described in clause (i)” after “subparagraph
14 (A)”.

15 **SEC. 1247. ESTABLISHMENT OF REVIEW COMMISSION.**

16 (a) IN GENERAL.—There is established a National
17 Commission on the Use of Offsets in Defense Trade (in
18 this section referred to as the “Commission”) to address
19 all aspects of the use of offsets in international defense
20 trade.

21 (b) COMMISSION MEMBERSHIP.—Not later than 120
22 days after the date of enactment of this Act, the Presi-
23 dent, with the concurrence of the Majority and Minority
24 Leaders of the Senate and the Speaker and Minority
25 Leader of the House of Representatives, shall appoint 11

1 individuals to serve as members of the Commission. Com-
2 mission membership shall include—

3 (1) representatives from the private sector,
4 including—

5 (A) one each from—

6 (i) a labor organization,

7 (ii) a United States defense manufac-
8 turing company dependent on foreign
9 sales,

10 (iii) a United States company depend-
11 ent on foreign sales that is not a defense
12 manufacturer, and

13 (iv) a United States company that
14 specializes in international investment, and

15 (B) two members from academia with
16 widely recognized expertise in international eco-
17 nomics; and

18 (2) five members from the executive branch, in-
19 cluding a member from—

20 (A) the Office of Management and Budget,

21 (B) the Department of Commerce,

22 (C) the Department of Defense,

23 (D) the Department of State, and

24 (E) the Department of Labor.

1 The member designated from the Office of Management
2 and Budget shall serve as Chairperson of the Commission.
3 The President shall ensure that the Commission is non-
4 partisan and that the full range of perspectives on the sub-
5 ject of offsets in the defense industry is adequately rep-
6 resented.

7 (c) DUTIES.—The Commission shall be responsible
8 for reviewing and reporting on—

9 (1) the full range of current practices by foreign
10 governments in requiring offsets in purchasing
11 agreements and the extent and nature of offsets of-
12 fered by United States and foreign defense industry
13 contractors;

14 (2) the impact of the use of offsets on defense
15 subcontractors and nondefense industrial sectors af-
16 fected by indirect offsets; and

17 (3) the role of offsets, both direct and indirect,
18 on domestic industry stability, United States trade
19 competitiveness and national security.

20 (d) COMMISSION REPORT.—Not later than 12
21 months after the Commission is established, the Commis-
22 sion shall submit a report to the appropriate congressional
23 committees. In addition to the items described under sub-
24 section (c), the report shall include—

25 (1) an analysis of—

1 (A) the collateral impact of offsets on in-
2 dustry sectors that may be different than those
3 of the contractor providing the offsets, includ-
4 ing estimates of contracts and jobs lost as well
5 as an assessment of damage to industrial sec-
6 tors;

7 (B) the role of offsets with respect to com-
8 petitiveness of the United States defense indus-
9 try in international trade and the potential
10 damage to the ability of United States contrac-
11 tors to compete if offsets were prohibited or
12 limited; and

13 (C) the impact on United States national
14 security, and upon United States nonprolifera-
15 tion objectives, of the use of coproduction, sub-
16 contracting, and technology transfer with for-
17 eign governments or companies that results
18 from fulfilling offset requirements, with par-
19 ticular emphasis on the question of dependency
20 upon foreign nations for the supply of critical
21 components or technology;

22 (2) proposals for unilateral, bilateral, or multi-
23 lateral measures aimed at reducing any detrimental
24 effects of offsets; and

1 (3) an identification of the appropriate execu-
2 tive branch agencies to be responsible for monitoring
3 the use of offsets in international defense trade.

4 (e) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
5 bers shall be appointed for the life of the Commission. Any
6 vacancy in the Commission shall not affect its powers, but
7 shall be filled in the same manner as the original appoint-
8 ment.

9 (f) INITIAL MEETING.—Not later than 30 days after
10 the date on which all members of the Commission have
11 been appointed, the Commission shall hold its first meet-
12 ing.

13 (g) MEETINGS.—The Commission shall meet at the
14 call of the Chairman.

15 (h) COMMISSION PERSONNEL MATTERS.—

16 (1) COMPENSATION OF MEMBERS.—Each mem-
17 ber of the Commission who is not an officer or em-
18 ployee of the Federal Government shall be com-
19 pensated at a rate equal to the daily equivalent of
20 the annual rate of basic pay prescribed for level IV
21 of the Executive Schedule under section 5315 of title
22 5, United States Code, for each day (including travel
23 time) during which such member is engaged in the
24 performance of the duties of the Commission. All
25 members of the Commission who are officers or em-

1 employees of the United States shall serve without com-
2 pensation in addition to that received for their serv-
3 ices as officers or employees of the United States.

4 (2) TRAVEL EXPENSES.—The members of the
5 Commission shall be allowed travel expenses, includ-
6 ing per diem in lieu of subsistence, at rates author-
7 ized for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from their homes or regular places of business
10 in the performance of services for the Commission.

11 (3) STAFF.—

12 (A) IN GENERAL.—The Chairman of the
13 Commission may, without regard to the civil
14 service laws and regulations, appoint and termi-
15 nate an executive director and such other addi-
16 tional personnel as may be necessary to enable
17 the Commission to perform its duties. The em-
18 ployment of an executive director shall be sub-
19 ject to confirmation by the Commission.

20 (B) COMPENSATION.—The Chairman of
21 the Commission may fix the compensation of
22 the executive director and other personnel with-
23 out regard to the provisions of chapter 51 and
24 subchapter III of chapter 53 of title 5, United
25 States Code, relating to classification of posi-

1 tions and General Schedule pay rates, except
2 that the rate of pay for the executive director
3 and other personnel may not exceed the rate
4 payable for level V of the Executive Schedule
5 under section 5316 of such title.

6 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
7 Any Federal Government employee may be detailed
8 to the Commission without reimbursement, and such
9 detail shall be without interruption or loss of civil
10 service status or privilege.

11 (5) PROCUREMENT OF TEMPORARY AND INTER-
12 MITTENT SERVICES.—The Chairman of the Commis-
13 sion may procure temporary and intermittent serv-
14 ices under section 3109(b) of title 5, United States
15 Code, at rates for individuals which do not exceed
16 the daily equivalent of the annual rate of basic pay
17 prescribed for level V of the Executive Schedule
18 under section 5316 of such title.

19 (i) TERMINATION.—The Commission shall terminate
20 30 days after the transmission of the report from the
21 President as mandated in section 1248(b).

22 **SEC. 1248. MULTILATERAL STRATEGY TO ADDRESS OFF-**
23 **SETS.**

24 (a) IN GENERAL.—The President shall initiate a re-
25 view to determine the feasibility of establishing, and the

1 most effective means of negotiating, a multilateral treaty
2 on standards for the use of offsets in international defense
3 trade, with a goal of limiting all offset transactions that
4 are considered injurious to the economy of the United
5 States.

6 (b) REPORT REQUIRED.—Not later than 90 days
7 after the date on which the Commission submits the report
8 required under section 1247(d), the President shall submit
9 to the appropriate congressional committees a report con-
10 taining the President's determination pursuant to sub-
11 section (a), and, if the President determines a multilateral
12 treaty is feasible or desirable, a strategy for United States
13 negotiation of such a treaty. One year after the date the
14 report is submitted under the preceding sentence, and an-
15 nually thereafter for 5 years, the President shall submit
16 to the appropriate congressional committees a report de-
17 tailing the progress toward reaching such a treaty.

18 (c) REQUIRED INFORMATION.—The report required
19 by subsection (b) shall include—

- 20 (1) a description of the United States efforts to
21 pursue multilateral negotiations on standards for the
22 use of offsets in international defense trade;
- 23 (2) an evaluation of existing multilateral fora as
24 appropriate venues for establishing such negotia-
25 tions;

1 (3) a description on a country-by-country basis
 2 of any United States efforts to engage in negotia-
 3 tions to establish bilateral treaties or agreements
 4 with respect to the use of offsets in international de-
 5 fense trade; and

6 (4) an evaluation on a country-by-country basis
 7 of any foreign government efforts to address the use
 8 of offsets in international defense trade.

9 (d) COMPTROLLER GENERAL REVIEW.—The Comp-
 10 troller General of the United States shall monitor and pe-
 11 riodically report to Congress on the progress in reaching
 12 a multilateral treaty.

13 **Subtitle E—Automated Export Sys-**
 14 **tem Relating to Export Informa-**
 15 **tion**

16 **SEC. 1251. SHORT TITLE.**

17 This subtitle may be cited as the “Proliferation Pre-
 18 vention Enhancement Act of 1999”.

19 **SEC. 1252. MANDATORY USE OF THE AUTOMATED EXPORT**
 20 **SYSTEM FOR FILING CERTAIN SHIPPERS’ EX-**
 21 **PORT DECLARATIONS.**

22 (a) AUTHORITY.—Section 301 of title 13, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing new subsection:

1 “(h) The Secretary is authorized to require by regula-
2 tion the filing of Shippers’ Export Declarations under this
3 chapter through an automated and electronic system for
4 the filing of export information established by the Depart-
5 ment of the Treasury.”.

6 (b) IMPLEMENTING REGULATIONS.—

7 (1) IN GENERAL.—The Secretary of Commerce,
8 with the concurrence of the Secretary of State, shall
9 publish regulations in the Federal Register to re-
10 quire that, upon the effective date of those regula-
11 tions, exporters (or their agents) who are required to
12 file Shippers’ Export Declarations under chapter 9
13 of title 13, United States Code, file such Declara-
14 tions through the Automated Export System with
15 respect to exports of items on the United States Mu-
16 nitions List or the Commerce Control List.

17 (2) ELEMENTS OF THE REGULATIONS.—The
18 regulations referred to in paragraph (1) shall include
19 at a minimum—

20 (A) provision by the Department of Com-
21 merce for the establishment of on-line assist-
22 ance services to be available for those individ-
23 uals who must use the Automated Export Sys-
24 tem;

1 (B) provision by the Department of Com-
2 merce for ensuring that an individual who is re-
3 quired to use the Automated Export System is
4 able to print out from the System a validated
5 record of the individual's submission, including
6 the date of the submission and a serial number
7 or other unique identifier, where appropriate,
8 for the export transaction; and

9 (C) a requirement that the Department of
10 Commerce print out and maintain on file a
11 paper copy or other acceptable back-up record
12 of the individual's submission at a location se-
13 lected by the Secretary of Commerce.

14 (c) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect 270 days after the Sec-
16 retary of Commerce, the Secretary of the Treasury, and
17 the Director of the National Institute of Standards and
18 Technology jointly provide a certification to the Com-
19 mittee on Foreign Relations of the Senate and the Com-
20 mittee on International Relations of the House of Rep-
21 resentatives that a secure Automated Export System
22 available through the Internet that is capable of handling
23 the expected volume of information required to be filed
24 under subsection (b), plus the anticipated volume from
25 voluntary use of the Automated Export System, has been

1 successfully implemented and tested and is fully functional
2 with respect to reporting all items on the United States
3 Munitions List, including their quantities and destina-
4 tions.

5 **SEC. 1253. VOLUNTARY USE OF THE AUTOMATED EXPORT**
6 **SYSTEM.**

7 It is the sense of Congress that exporters (or their
8 agents) who are required to file Shippers' Export Declara-
9 tions under chapter 9 of title 13, United States Code, but
10 who are not required under section 1252(b) to file such
11 Declarations using the Automated Export System, should
12 do so.

13 **SEC. 1254. REPORT TO APPROPRIATE COMMITTEES OF**
14 **CONGRESS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Commerce,
17 in consultation with the Secretary of State, the Secretary
18 of Defense, the Secretary of the Treasury, the Secretary
19 of Energy, and the Director of Central Intelligence, shall
20 submit a report to the appropriate committees of Congress
21 setting forth—

22 (1) the advisability and feasibility of mandating
23 electronic filing through the Automated Export Sys-
24 tem for all Shippers' Export Declarations;

1 (2) the manner in which data gathered through
2 the Automated Export System can most effectively
3 be used, consistent with the need to ensure the con-
4 fidentiality of business information, by other auto-
5 mated licensing systems administered by Federal
6 agencies, including—

7 (A) the Defense Trade Application System
8 of the Department of State;

9 (B) the Export Control Automated Sup-
10 port System of the Department of Commerce;

11 (C) the Foreign Disclosure and Technology
12 Information System of the Department of De-
13 fense;

14 (D) the Proliferation Information Network
15 System of the Department of Energy;

16 (E) the Enforcement Communication Sys-
17 tem of the Department of the Treasury; and

18 (F) the Export Control System of the Cen-
19 tral Intelligence Agency; and

20 (3) a proposed timetable for any expansion of
21 information required to be filed through the Auto-
22 mated Export System.

23 (b) DEFINITION.—In this section, the term “appro-
24 priate committees of Congress” means the Committee on

1 Foreign Relations of the Senate and the Committee on
2 International Relations of the House of Representatives.

3 **SEC. 1255. ACCELERATION OF DEPARTMENT OF STATE LI-**
4 **CENSING PROCEDURES.**

5 Notwithstanding any other provision of law, the Sec-
6 retary of State may use funds appropriated or otherwise
7 made available to the Department of State to employ—

8 (1) up to 40 percent of the individuals who are
9 performing services within the Office of Defense
10 Trade Controls of the Department of State in posi-
11 tions classified at GS–14 and GS–15 on the General
12 Schedule under section 5332 of title 5, United
13 States Code; and

14 (2) other individuals within the Office at a rate
15 of basic pay that may exceed the maximum rate pay-
16 able for positions classified at GS–15 on the General
17 Schedule under section 5332 of that title.

18 **SEC. 1256. DEFINITIONS.**

19 In this subtitle:

20 (1) **AUTOMATED EXPORT SYSTEM.**—The term
21 “Automated Export System” means the automated
22 and electronic system for filing export information
23 established under chapter 9 of title 13, United
24 States Code, on June 19, 1995 (60 Federal Register
25 32040).

1 (2) COMMERCE CONTROL LIST.—The term
2 “Commerce Control List” has the meaning given the
3 term in section 774.1 of title 15, Code of Federal
4 Regulations.

5 (3) SHIPPERS’ EXPORT DECLARATION.—The
6 term “Shippers’ Export Declaration” means the ex-
7 port information filed under chapter 9 of title 13,
8 United States Code, as described in part 30 of title
9 15, Code of Federal Regulations.

10 (4) UNITED STATES MUNITIONS LIST.—The
11 term “United States Munitions List” means the list
12 of items controlled under section 38 of the Arms Ex-
13 port Control Act (22 U.S.C. 2778).

14 **Subtitle F—International Arms**
15 **Sales Code of Conduct Act of 1999**

16 **SEC. 1261. SHORT TITLE.**

17 This subtitle may be cited as the “International Arms
18 Sales Code of Conduct Act of 1999”.

19 **SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CON-**
20 **DUCT.**

21 (a) NEGOTIATIONS.—The President shall attempt to
22 achieve the foreign policy goal of an international arms
23 sales code of conduct. The President shall take the nec-
24 essary steps to begin negotiations within appropriate
25 international fora not later than 120 days after the date

1 of the enactment of this Act. The purpose of these negotia-
2 tions shall be to establish an international regime to pro-
3 mote global transparency with respect to arms transfers,
4 including participation by countries in the United Nations
5 Register of Conventional Arms, and to limit, restrict, or
6 prohibit arms transfers to countries that do not observe
7 certain fundamental values of human liberty, peace, and
8 international stability.

9 (b) CRITERIA.—The President shall consider the fol-
10 lowing criteria in the negotiations referred to in subsection
11 (a):

12 (1) PROMOTES DEMOCRACY.—The government
13 of the country—

14 (A) was chosen by and permits free and
15 fair elections;

16 (B) promotes civilian control of the mili-
17 tary and security forces and has civilian institu-
18 tions controlling the policy, operation, and
19 spending of all law enforcement and security in-
20 stitutions, as well as the armed forces;

21 (C) promotes the rule of law and provides
22 its nationals the same rights that they would be
23 afforded under the United States Constitution
24 if they were United States citizens; and

1 (D) promotes the strengthening of polit-
2 ical, legislative, and civil institutions of democ-
3 racy, as well as autonomous institutions to
4 monitor the conduct of public officials and to
5 combat corruption.

6 (2) RESPECTS HUMAN RIGHTS.—The govern-
7 ment of the country—

8 (A) does not persistently engage in gross
9 violations of internationally recognized human
10 rights, including—

11 (i) extrajudicial or arbitrary execu-
12 tions;

13 (ii) disappearances;

14 (iii) torture or severe mistreatment;

15 (iv) prolonged arbitrary imprisonment;

16 (v) systematic official discrimination
17 on the basis of race, ethnicity, religion,
18 gender, national origin, or political affili-
19 ation; and

20 (vi) grave breaches of international
21 laws of war or equivalent violations of the
22 laws of war in internal armed conflicts;

23 (B) vigorously investigates, disciplines, and
24 prosecutes those responsible for gross violations
25 of internationally recognized human rights;

1 (C) permits access on a regular basis to
2 political prisoners by international humani-
3 tarian organizations;

4 (D) promotes the independence of the judi-
5 ciary and other official bodies that oversee the
6 protection of human rights;

7 (E) does not impede the free functioning of
8 domestic and international human rights orga-
9 nizations; and

10 (F) provides access on a regular basis to
11 humanitarian organizations in situations of con-
12 flict or famine.

13 (3) NOT ENGAGED IN CERTAIN ACTS OF ARMED
14 AGGRESSION.—The government of the country is not
15 engaged in acts of armed aggression in violation of
16 international law.

17 (4) NOT SUPPORTING TERRORISM.—The gov-
18 ernment of the country does not provide support for
19 international terrorism.

20 (5) NOT CONTRIBUTING TO PROLIFERATION OF
21 WEAPONS OF MASS DESTRUCTION.—The government
22 of the country does not contribute to the prolifera-
23 tion of weapons of mass destruction.

24 (6) REGIONAL LOCATION OF COUNTRY.—The
25 country is not located in a region in which arms

1 transfers would exacerbate regional arms races or
2 international tensions that present a danger to inter-
3 national peace and stability.

4 (c) REPORTS TO CONGRESS.—

5 (1) REPORT RELATING TO NEGOTIATIONS.—

6 Not later than 6 months after the commencement of
7 the negotiations under subsection (a), and not later
8 than the end of every 6-month period thereafter
9 until an agreement described in subsection (a) is
10 concluded, the President shall report to the Com-
11 mittee on International Relations of the House of
12 Representatives and the Committee on Foreign Re-
13 lations of the Senate on the progress made during
14 these negotiations.

15 (2) HUMAN RIGHTS REPORTS.—In the report
16 required in sections 116(d) and 502B(b) of the For-
17 eign Assistance Act of 1961 (22 U.S.C. 2151n(b)
18 and 2304(b)), the Secretary of State shall describe
19 the extent to which the practices of each country
20 evaluated meet the criteria in paragraphs (1)(A) and
21 (2) of subsection (a).

1 **Subtitle G—Transfer of Naval Ves-**
2 **sels to Certain Foreign Coun-**
3 **tries**

4 **SEC. 1271. AUTHORITY TO TRANSFER NAVAL VESSELS.**

5 (a) INAPPLICABILITY OF AGGREGATE ANNUAL LIMI-
6 TATION ON VALUE OF TRANSFERRED EXCESS DEFENSE
7 ARTICLES.—The value of a vessel transferred to another
8 country on a grant basis under section 516 of the Foreign
9 Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to au-
10 thority provided by section 1018(a) of the National De-
11 fense Authorization Act for Fiscal Year 2000 shall not be
12 counted for the purposes of section 516(g) of the Foreign
13 Assistance Act of 1961 in the aggregate value of excess
14 defense articles transferred to countries under that section
15 in any fiscal year.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
17 Section 1018 of the National Defense Authorization Act
18 for Fiscal Year 2000 is amended—

19 (1) in subsections (a) and (d), by striking “Sec-
20 retary of the Navy” each place it appears and insert-
21 ing “President”;

22 (2) by striking subsection (b); and

23 (3) by redesignating subsections (c) through (e)
24 as subsections (b) through (d), respectively.

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. PUBLICATION OF ARMS SALES CERTIFICATIONS.

(a) IN GENERAL.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended in the second subsection (e) (as added by section 155 of Public Law 104–164)—

(1) by inserting “in a timely manner” after “to be published”; and

(2) by striking “the full unclassified text of” and all that follows and inserting the following: “the full unclassified text of—

“(1) each numbered certification submitted pursuant to subsection (b);

“(2) each notification of a proposed commercial sale submitted under subsection (c); and

“(3) each notification of a proposed commercial technical assistance or manufacturing licensing agreement submitted under subsection (d).”.

(b) NOTICE OF CLASSIFIED ARMS SALES.—

(1) GOVERNMENT-TO-GOVERNMENT SALES.—
Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in the sixth sentence by inserting before the period at the end the following: “, in which case the information shall be

1 accompanied by a description of the damage to the
2 national security that could be expected to result
3 from public disclosure of the information”.

4 (2) COMMERCIAL SALES.—Section 36(c)(1) of
5 the Arms Export Control Act (22 U.S.C.
6 2776(c)(1)) is amended in the fifth sentence by in-
7 serting before the period at the end the following: “,
8 in which case the information shall be accompanied
9 by a description of the damage to the national secu-
10 rity that could be expected to result from public dis-
11 closure of the information”.

12 **SEC. 1302. NOTIFICATION REQUIREMENTS FOR COMMER-**
13 **CIAL EXPORT OF ITEMS ON UNITED STATES**
14 **MUNITIONS LIST.**

15 (a) NOTIFICATION REQUIREMENT.—Section 38 of
16 the Arms Export Control Act (22 U.S.C. 2778) is amend-
17 ed by adding at the end the following:

18 “(i) As prescribed in regulations issued under this
19 section, a United States person to whom a license has been
20 granted to export an item on the United States Munitions
21 List shall, not later than 15 days after the item is ex-
22 ported, submit to the Department of State a report con-
23 taining all shipment information, including a description
24 of the item and the quantity, value, port of exit, and end-
25 user and country of destination of the item.”.

1 (b) QUARTERLY REPORTS TO CONGRESS.—Section
2 36(a) of the Arms Export Control Act (22 U.S.C.
3 2776(a)) is amended—

4 (A) in paragraph (11), by striking “and”
5 at the end;

6 (B) in paragraph (12), by striking “third-
7 party transfers.” and inserting “third-party
8 transfers; and”; and

9 (C) by adding after paragraph (12) (but
10 before the last sentence of the subsection), the
11 following:

12 “(13) a report on all exports of significant mili-
13 tary equipment for which information has been pro-
14 vided pursuant to section 38(i).”.

15 **SEC. 1303. ENFORCEMENT OF ARMS EXPORT CONTROL**
16 **ACT.**

17 The Arms Export Control Act (22 U.S.C. 2751 et
18 seq.) is amended in sections 38(e), 39A(c), and 40(k) by
19 inserting after “except that” each place it appears the fol-
20 lowing: “section 11(c)(2)(B) of such Act shall not apply,
21 and instead, as prescribed in regulations issued under this
22 section, the Secretary of State may assess civil penalties
23 for violations of this Act and regulations prescribed there-
24 under and further may commence a civil action to recover
25 such civil penalties, and except further that”.

1 **SEC. 1304. VIOLATIONS RELATING TO MATERIAL SUPPORT**
2 **TO TERRORISTS.**

3 Section 38(g)(1)(A)(iii) of the Arms Export Control
4 Act (22 U.S.C. 2778(g)(1)(A)(iii)) is amended by adding
5 at the end before the comma the following: “or section
6 2339A of such title (relating to providing material support
7 to terrorists)”.

8 **SEC. 1305. AUTHORITY TO CONSENT TO THIRD PARTY**
9 **TRANSFER OF EX-U.S.S. BOWMAN COUNTY TO**
10 **USS LST SHIP MEMORIAL, INC.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) It is the long-standing policy of the United
14 States Government to deny requests for the re-
15 transfer of significant military equipment that origi-
16 nated in the United States to private entities.

17 (2) In very exceptional circumstances, when the
18 United States public interest would be served by the
19 proposed retransfer and end-use, such requests may
20 be favorably considered.

21 (3) Such retransfers to private entities have
22 been authorized in very exceptional circumstances
23 following appropriate demilitarization and receipt of
24 assurances from the private entity that the item to
25 be transferred would be used solely in furtherance of

1 Federal Government contracts or for static museum
2 display.

3 (4) Nothing in this section should be construed
4 as a revision of long-standing policy referred to in
5 paragraph (1).

6 (5) The Government of Greece has requested
7 the consent of the United States Government to the
8 retransfer of HS Rodos (ex-U.S.S. Bowman County
9 (LST 391)) to the USS LST Ship Memorial, Inc.

10 (b) AUTHORITY TO CONSENT TO RETRANSFER.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the President may consent to the retransfer by the
13 Government of Greece of HS Rodos (ex-U.S.S. Bow-
14 man County (LST 391)) to the USS LST Ship Me-
15 morial, Inc.

16 (2) CONDITIONS FOR CONSENT.—The President
17 should not exercise the authority under paragraph
18 (1) unless USS LST Memorial, Inc.—

19 (A) utilizes the vessel for public, nonprofit,
20 museum-related purposes; and

21 (B) complies with applicable law with re-
22 spect to the vessel, including law related to de-
23 militarization of guns prior to transfer and to
24 facilitation of Federal Government monitoring
25 and mitigation of potential environmental haz-

1 ards associated with aging vessels, and has a
2 demonstrated financial capability to so comply.

3 **SEC. 1306. ANNUAL MILITARY ASSISTANCE REPORT.**

4 (a) INFORMATION RELATING TO MILITARY ASSIST-
5 ANCE AND MILITARY EXPORTS.—Section 655(b) of the
6 Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is
7 amended to read as follows:

8 “(b) INFORMATION RELATING TO MILITARY ASSIST-
9 ANCE AND MILITARY EXPORTS.—Each such report shall
10 show the aggregate dollar value and quantity of defense
11 articles (including excess defense articles), defense serv-
12 ices, and international military education and training ac-
13 tivities authorized by the United States and of such arti-
14 cles, services, and activities provided by the United States,
15 excluding any activity that is reportable under title V of
16 the National Security Act of 1947, to each foreign country
17 and international organization. The report shall specify,
18 by category, whether such defense articles—

19 “(1) were furnished by grant under chapter 2
20 or chapter 5 of part II of this Act or under any
21 other authority of law or by sale under chapter 2 of
22 the Arms Export Control Act;

23 “(2) were furnished with the financial assist-
24 ance of the United States Government, including
25 through loans and guarantees; or

1 “(3) were licensed for export under section 38
2 of the Arms Export Control Act.”.

3 (b) AVAILABILITY ON INTERNET.—Section 655 of
4 the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is
5 amended by adding at the end the following:

6 “(d) AVAILABILITY ON INTERNET.—All unclassified
7 portions of such report shall be made available to the pub-
8 lic on the Internet through the Department of State.”.

9 **SEC. 1307. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

10 Chapter 3 of part III of the Foreign Assistance Act
11 of 1961 (22 U.S.C. 2401 et seq.) is amended by inserting
12 after section 655 the following:

13 **“SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

14 “(a) ANNUAL REPORT.—Not later than January 31
15 of each year, the Secretary of Defense and the Secretary
16 of State shall jointly prepare and submit to the appro-
17 priate congressional committees a report on all military
18 training provided to foreign military personnel by the De-
19 partment of Defense and the Department of State during
20 the previous fiscal year and all such training proposed for
21 the current fiscal year.

22 “(b) CONTENTS.—The report described in subsection
23 (a) shall include the following:

24 “(1) For each military training activity, the for-
25 eign policy justification and purpose for the activity,

1 the number of foreign military personnel provided
2 training and their units of operation, and the loca-
3 tion of the training.

4 “(2) For each country, the aggregate number of
5 students trained and the aggregate cost of the mili-
6 tary training activities.

7 “(3) With respect to United States personnel,
8 the operational benefits to United States forces de-
9 rived from each military training activity and the
10 United States military units involved in each activ-
11 ity.

12 “(c) FORM.—The report described in subsection (a)
13 shall be in unclassified form but may include a classified
14 annex.

15 “(d) AVAILABILITY ON INTERNET.—All unclassified
16 portions of the report described in subsection (a) shall be
17 made available to the public on the Internet through the
18 Department of State.

19 “(e) DEFINITION.—In this section, the term ‘appro-
20 priate congressional committees’ means—

21 “(1) the Committee on Appropriations and the
22 Committee on International Relations of the House
23 of Representatives; and

24 “(2) the Committee on Appropriations and the
25 Committee on Foreign Relations of the Senate.”.

1 **SEC. 1308. SECURITY ASSISTANCE FOR THE PHILIPPINES.**

2 (a) STATEMENT OF POLICY.—The Congress declares
3 the following:

4 (1) The President should transfer to the Gov-
5 ernment of the Philippines, on a grant basis under
6 section 516 of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2321j), the excess defense articles de-
8 scribed in subsection (b).

9 (2) The United States should not oppose the
10 transfer of F-5 aircraft by a third country to the
11 Government of the Philippines.

12 (b) EXCESS DEFENSE ARTICLES.—The excess de-
13 fense articles described in this subsection are the fol-
14 lowing:

15 (1) UH-1 helicopters and A-4 aircraft.

16 (2) Amphibious landing craft, naval patrol ves-
17 sels (including patrol vessels of the Coast Guard),
18 and other naval vessels (such as frigates), if such
19 vessels are available.

20 (c) FUNDING.—Of the amounts made available to
21 carry out section 23 of the Arms Export Control Act (22
22 U.S.C. 2763) for fiscal years 2000 and 2001, \$5,000,000
23 for each such fiscal year should be made available for as-
24 sistance on a grant basis for the Philippines.

1 **SEC. 1309. EFFECTIVE REGULATION OF SATELLITE EXPORT**

2 **ACTIVITIES.**

3 (a) LICENSING REGIME.—

4 (1) ESTABLISHMENT.—The Secretary of State
5 shall establish a regulatory regime for the licensing
6 for export of commercial satellites, satellite tech-
7 nologies, their components, and systems which shall
8 include expedited approval, as appropriate, of the li-
9 censing for export by United States companies of
10 commercial satellites, satellite technologies, their
11 components, and systems, to NATO allies and major
12 non-NATO allies (as used within the meaning of sec-
13 tion 644(q) of the Foreign Assistance Act of 1961).

14 (2) REQUIREMENTS.—For proposed exports to
15 those nations which meet the requirements of para-
16 graph (1), the regime should include expedited proc-
17 essing of requests for export authorizations that—

18 (A) are time-critical, including a transfer
19 or exchange of information relating to a sat-
20 ellite failure or anomaly in-flight or on-orbit;

21 (B) are required to submit bids to procure-
22 ments offered by foreign persons;

23 (C) relate to the re-export of unimproved
24 materials, products, or data; or

25 (D) are required to obtain launch and on-
26 orbit insurance.

1 (3) ADDITIONAL REQUIREMENTS.—In estab-
2 lishing the regulatory regime under paragraph (1),
3 the Secretary of State shall ensure that—

4 (A) United States national security consid-
5 erations and United States obligations under
6 the Missile Technology Control Regime are
7 given priority in the evaluation of any license;
8 and

9 (B) such time is afforded as is necessary
10 for the Department of Defense, the Department
11 of State, and the United States intelligence
12 community to conduct a review of any license.

13 (b) FINANCIAL AND PERSONNEL RESOURCES.—Of
14 the funds authorized to be appropriated in section
15 101(1)(A), \$9,000,000 is authorized to be appropriated
16 for the Office of Defense Trade Controls of the Depart-
17 ment of State for each of the fiscal years 2000 and 2001,
18 to enable that office to carry out its responsibilities.

19 (c) IMPROVEMENT AND ASSESSMENT.—The Sec-
20 retary of State should, not later than 6 months after the
21 date of the enactment of this Act, submit to the Congress
22 a plan for—

23 (1) continuously gathering industry and public
24 suggestions for potential improvements in the De-

1 partment of State's export control regime for com-
2 mercial satellites; and

3 (2) arranging for the conduct and submission to
4 Congress, not later than 15 months after the date
5 of the enactment of this Act, of an independent re-
6 view of the export control regime for commercial sat-
7 ellites as to its effectiveness at promoting national
8 security and economic competitiveness.

9 **SEC. 1310. STUDY ON LICENSING PROCESS UNDER THE**
10 **ARMS EXPORT CONTROL ACT.**

11 (a) STUDY.—Not later than 180 days after the date
12 of enactment of this Act, the Secretary of State should
13 submit to the Committee on Foreign Relations of the Sen-
14 ate and the Committee on International Relations of the
15 House of Representatives a study on the performance of
16 the licensing process pursuant to the Arms Export Control
17 Act (22 U.S.C. 2751 et seq.), with recommendations on
18 how to improve that performance.

19 (b) CONTENTS.—The study should include the fol-
20 lowing:

21 (1) An analysis of the typology of licenses on
22 which action was completed in 1999. The analysis
23 should provide information on major categories of li-
24 cense requests, including—

1 (A) the number for nonautomatic small
2 arms, automatic small arms, technical data,
3 parts and components, and other weapons;

4 (B) the percentage of each category staffed
5 to other agencies;

6 (C) the average and median time taken for
7 the processing cycle for each category when
8 staffed and not staffed;

9 (D) the average time taken by Presidential
10 or National Security Council review or scrutiny,
11 if significant; and

12 (E) the average time spent at the Depart-
13 ment of State after a decision had been taken
14 on a license but before a contractor was notified
15 of the decision.

16 For each major category of license requests under
17 this paragraph, the study should include a break-
18 down of licenses by country and the identity of each
19 country that has been identified in the past three
20 years pursuant to section 3(e) of the Arms Export
21 Control Act (22 U.S.C. 2753(e)).

22 (2) A review of the current computer capabili-
23 ties of the Department of State relevant to the proc-
24 essing of licenses and its capability to communicate
25 electronically with other agencies and contractors,

1 and what improvements could be made that would
2 speed the process, including the cost for such im-
3 provements.

4 (3) An analysis of the work load and salary
5 structure for export licensing officers of the Office of
6 Defense Trade Controls of the Department of State
7 as compared to comparable jobs at the Department
8 of Commerce and the Department of Defense.

9 (4) Any suggestions of the Department of State
10 relating to resources and regulations, and any rel-
11 evant statutory changes that might expedite the li-
12 censing process while furthering the objectives of the
13 Arms Export Control Act (22 U.S.C. 2751 et seq.).

14 **SEC. 1311. REPORT CONCERNING PROLIFERATION OF**
15 **SMALL ARMS.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of State
18 shall submit to the appropriate committees of Congress
19 a report containing—

20 (1) an assessment of whether the global trade
21 in small arms poses any proliferation problems,
22 including—

23 (A) estimates of the numbers and sources
24 of licit and illicit small arms and light arms in
25 circulation and their origins;

1 (B) the challenges associated with moni-
2 toring small arms; and

3 (C) the political, economic, and security di-
4 mensions of this issue, and the threats posed,
5 if any, by these weapons to United States inter-
6 ests, including national security interests;

7 (2) an assessment of whether the export of
8 small arms of the type sold commercially in the
9 United States should be considered a foreign policy
10 or proliferation issue;

11 (3) a description and analysis of the adequacy
12 of current Department of State activities to monitor
13 and, to the extent possible, ensure adequate control
14 of, both the licit and illicit manufacture, transfer,
15 and proliferation of small arms and light weapons,
16 including efforts to survey and assess this matter
17 with respect to Africa and to survey and assess the
18 scope and scale of the issue, including stockpile secu-
19 rity and destruction of excess inventory, in NATO
20 and Partnership for Peace countries;

21 (4) a description of the impact of the reorga-
22 nization of the Department of State made by the
23 Foreign Affairs Reform and Restructuring Act of
24 1998 on the transfer of functions relating to moni-

1 toring, licensing, analysis, and policy on small arms
2 and light weapons, including—

3 (A) the integration of and the functions re-
4 lating to small arms and light weapons of the
5 United States Arms Control and Disarmament
6 Agency with those of the Department of State;

7 (B) the functions of the Bureau of Arms
8 Control, the Bureau of Nonproliferation, the
9 Bureau of Political-Military Affairs, the Bureau
10 of International Narcotics and Law Enforce-
11 ment, regional bureaus, and any other relevant
12 bureau or office of the Department of State, in-
13 cluding the allocation of personnel and funds,
14 as they pertain to small arms and light weap-
15 ons;

16 (C) the functions of the regional bureaus
17 of the Department of State in providing infor-
18 mation and policy coordination in bilateral and
19 multilateral settings on small arms and light
20 weapons;

21 (D) the functions of the Under Secretary
22 of State for Arms Control and International Se-
23 curity pertaining to small arms and light weap-
24 ons; and

1 (E) the functions of the scientific and pol-
2 icy advisory board on arms control, non-
3 proliferation, and disarmament pertaining to
4 small arms and light weapons; and

5 (5) an assessment of whether foreign govern-
6 ments are enforcing their own laws concerning small
7 arms and light weapons import and sale, including
8 commitments under the Inter-American Convention
9 Against the Illicit Manufacturing of and Trafficking
10 in Firearms, Ammunition, Explosives, and Other
11 Related Materials or other relevant international
12 agreements.

13 (b) DEFINITION.—In this section, the term “appro-
14 priate committees of Congress” means the Committee on
15 Foreign Relations and the Select Committee on Intel-
16 ligence of the Senate and the Committee on International
17 Relations and the Permanent Select Committee on Intel-
18 ligence of the House of Representatives.

19 **SEC. 1312. CONFORMING AMENDMENT.**

20 Subsection (d) of section 248 of the Strom Thurmond
21 National Defense Authorization Act for Fiscal Year 1999
22 (Public Law 105–261; 112 Stat. 1958) is amended by in-
23 serting “, and to the Committee on Foreign Relations of
24 the Senate and the Committee on International Relations

1 of the House of Representatives,” after “congressional de-
2 fense committees”.